

in favor of the Kellogg multilateral treaty, submitted by Anna L. S. Wood, chairman of meeting, and Harriet S. Mentzer, secretary, Cedar Falls, Iowa; to the Committee on Foreign Affairs.

7973. By Mr. SWICK: Petition of Ellwood City Council, No. 182, Fraternal Patriotic Americans, G. S. Mook, secretary, Ellwood City, Pa., urging quota law for Canadian and Mexican immigrants, registration of all aliens, and enforcement of national origins clause; to the Committee on Immigration and Naturalization.

7974. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., protesting the enactment of legislation looking to the repeal of the so-called Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

## SENATE

FRIDAY, December 14, 1928

(Legislative day of Thursday, December 13, 1928)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, in which it requested the concurrence of the Senate.

### FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President at the election held November 6, 1928, from the States of Alabama, Arizona, Arkansas, Delaware, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Missouri, Oregon, and Vermont, which were ordered to lie on the table.

### SENATOR FROM WISCONSIN

The VICE PRESIDENT laid before the Senate the credentials of ROBERT M. LA FOLLETTE, Jr., chosen a Senator from the State of Wisconsin for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,  
THE STATE OF WISCONSIN,  
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, ROBERT M. LA FOLLETTE, Jr., was duly elected by the qualified electors of the State of Wisconsin a Senator of the United States from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929, as appears from the certificate of the State board of canvassers now on file and of record in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed.

Done at the capitol, in the city of Madison, this 11th day of December, A. D. 1928.

[SEAL.]

FRED R. ZIMMERMAN,  
Governor.

By the governor:

THEODORE DAMMANN.

### PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I present petitions from members of the faculty and hundreds of students of Smith College, of Northampton, Mass., praying for the prompt ratification of the multilateral treaty for the renunciation of war, which I request be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented petitions of sundry citizens of Detroit and Kalamazoo, in the State of Michigan, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of sundry citizens of Conway and vicinity, in the State of New Hampshire, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Mrs. Christine Elker and 40 other citizens of Surrey, N. Dak., praying for the

prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented the memorial of R. D. Bagley and 44 other citizens of Minot, N. Dak., remonstrating against the passage of the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes, or any other legislation of similar character, which was referred to the Committee on Military Affairs.

Mr. JONES presented petitions numerous signed by sundry citizens of Tacoma, Winlock, Kelso, Sequim, Port Angeles, Kalama, Castle Rock, Longview, Spokane, Olympia, Vancouver, Bellingham, Monroe, Yakima, Pateros, Leavenworth, Ostrander, Centralia, Washougal, Menlo, Toledo, Tenino, Woodland, Goldendale, Chehalis, and Ryderwood, all in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. WAGNER. Mr. President, I present a memorial to the Senate, transmitted to me by one of the leading scholars of our State, Dr. Stephen S. Wise, and signed by distinguished Americans throughout the country in favor of the Kellogg peace pact, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

### MEMORIAL TO UNITED STATES SENATE—PEACE PACT AND CRUISER BILL INCONSISTENT

We, the undersigned citizens, being in hearty favor of the ratification by the United States Senate of the general pact for the renunciation of war, look with grave apprehension upon the possibility of the authorization of 15 additional cruisers in the present session of the Senate.

We believe that the wholesome effect of the general pact for the renunciation of war upon the sentiment of nations and peoples will be largely nullified if the nation which first proposed the general pact expresses lack of confidence in its efficacy by increasing its own armament. It seems to us idle to insist that the naval program has been conceived without reference to the program of any other nation, since the cruisers to be authorized are clearly in the class of vessels which were the bone of contention in the abortive Geneva naval limitation conference. Whatever may be the merits of the American position as to the question of naval disarmament, it must be clear to every observer that the initiation of a new building program at this time will inevitably imperil the wholesome effect of the general pact for the renunciation of war and will give other nations occasion to question America's sincerity. We therefore urge our representatives in the Senate to vote against the cruiser bill and for the general pact for the renunciation of war.

Cornelia S. Adair, vice president National Education Association; Jane Addams; Clifford W. Barnes, vice president Chicago Association of Commerce; Rev. S. Parkes Cadman; Carrie Chapman Catt; John H. Clarke, ex-justice Supreme Court of the United States; Rev. Henry Sloane Coffin, president Union Theological Seminary; W. H. P. Faunce, president Brown University; Harry Emerson Fosdick, pastor Park Avenue Baptist Church; Virginia C. Gildersleeve, dean Barnard College; John Grier Hibben, president Princeton University; Sidney Hillman, president Amalgamated Clothing Workers; Harvey Ingham, editor Des Moines Register; Rev. Burriss Jenkins, Kansas City; David Starr Jordan, chancellor emeritus Leland Stanford University; Paul U. Kellogg, editor The Survey; Julia C. Lathrop, former chief of United States Children's Bureau; Henry Goddard Leach, editor the Forum; Ivy Lee, publicist; Clarence C. Little, president University of Michigan; Bishop F. J. McConnell, president Federal Council of Churches; Henry Noble McCracken, president Vassar College; Charles C. Morrison, editor the Christian Century; Evelyn Riley Nicholson, president Woman's Foreign Missionary Society of Methodist Episcopal Church; Kathleen Norris, writer, California; Rev. Robert Norwood, rector St. Bartholomew's Church; Right Rev. G. A. Oldham, diocese of Albany; Marion Edwards Park, president Bryn Mawr College; George Haven Putnam, publisher; Fleming H. Revell, publisher; Mary K. Simkhovitch, head of Greenwich House; Charles F. Thwing, president emeritus Western Reserve University; Bishop Herbert Welch, Methodist Episcopal Church, Pittsburgh; Rabbi Stephen S. Wise, Free Synagogue, New York; Mary E. Woolley, president American Association of University Women.

- Alabama: Dr. John W. Abercrombie, assistant State superintendent of education; Walter D. Agnew, president Woman's College of Alabama.
- Arkansas: Florence B. Cotnam, Woman's Civic Club, Little Rock; J. R. Grant, president Arkansas Polytechnic College; Rev. Paul W. Quillian, Little Rock; Mrs. E. R. Steel, president Little Rock Conference, Women's Missionary Society, M. E. Church, South; James W. Workman, president Henderson Brown College.
- California: George A. Coe, author, Glendora; Rabbi Rudolph I. Coffee, First Hebrew Congregation, Oakland; Victor Leroy Duke, president University of Redlands; Right Rev. Edward L. Parsons, Diocese of California; Prof. Herbert Ingram Priestley, University of California; George W. Marston, business man, San Diego; Judge Jackson H. Ralston, Palo Alto; Dr. Aurelia Henry Reinhardt, president Mills College; Mrs. Seward Simons, Pasadena.
- Colorado: Rev. Aaron Allen Heist, Grace Community Church, Denver; Judge J. C. Horn, Lamar; Prof. I. W. Howerth, Colorado State Teachers College; Nettie Kuhlert, president Sixth District Women's Christian Temperance Union; Rev. Otterbein O. Smith, Pueblo; Frank L. Palmer, Labor Press, Inc.
- Connecticut: Right Rev. Chauncey B. Brewster, Diocese of Connecticut; Prof. Clyde Olin Fisher, Wesleyan University; Prof. Henry W. Lawrence, Connecticut College; W. Douglas MacKenzie, president Hartford Theological Seminary; Charles G. Morris, New Haven; Rev. Roscoe Nelson, Windsor; Dr. Hannah G. Roach, Connecticut College, New London; Sanford Stoddard, attorney, Bridgeport; Mrs. Josepha Whitney, member board of aldermen, New Haven.
- Delaware: Dr. Lloyd Balderston, Wilmington; Mrs. William P. Bancroft, Wilmington; Rev. Charles L. Candee, Westover Hills; Right Rev. Philip Cook, Diocese of Delaware; Mrs. Florence Bayard Hilles; Rev. B. M. Jones, Wilmington; Rabbi L. A. Mischkind, Wilmington; George A. Rhoads, Wilmington; Alice P. Smyth, Wilmington; Mrs. A. D. Warner, sr., Wilmington.
- Florida: Rev. George Wesley Benn, St. Petersburg; Katherine Boyles, past chairman Florida League of Women Voters, Department of International Cooperation; M. P. Lockhart, principal Penney Farms Public Schools; Chester C. Platt, editor Labor Advocate.
- Georgia: Rev. D. Witherspoon Dodge, Atlanta; John Hope, president Morehouse College; Rev. D. P. McGeachy, Decatur; Wm. F. Quillian, president Wesleyan College; Philip E. Shulhafer, Atlanta; J. C. Wardlaw, University of Georgia.
- Idaho: Mr. and Mrs. Frank E. Johnesse, Boise; Curtis F. Pike, Boise; Rev. L. C. McEwen, Lewiston; Ray McKaig, Boise; Rev. Cyrus A. Wright, Boise.
- Illinois: Zonia Baber, ex-professor geography University of Chicago; Rev. Norman B. Barr, Chicago; Rev. Raymond B. Bragg, Evanston; Dan B. Brummitt, editor the Northwestern Christian Advocate; Paul H. Douglas, professor University of Chicago; Charles W. Gilkey, dean university chapel University of Chicago; James A. James, Evanston, Ill.; Prof. David M. Maynard, Lake Forest University; Sidney B. Snow, president Meadville Theological Seminary; Rev. George Craig Stewart, rector St. Luke's Church, Evanston.
- Indiana: David M. Edwards, president Earlham College; Ernest N. Evans, secretary Executive Committee of Church Federation of Indianapolis; Prof. Guy F. Hershberger, Goshen College; Rev. Henry B. Hostetter, secretary Synod of Indiana Presbytery; Dr. F. D. Kershner, dean of College of Religion, Butler University; Rabbi S. H. Markowitz, Fort Wayne; G. Bromley Oxnam, president DePauw University; Rev. Wm. F. Rothenburger, Indianapolis; Dr. Frank H. Streightoff, Extension Department Indiana University; Rabbi J. M. Taxay, Temple Israel, Terre Haute; Ray S. Trent, chairman Indiana Council on International Relations; James A. Woodburn, professor emeritus, Indiana University.
- Iowa: Frederick F. Faville, Justice Supreme Court of Iowa; Rabbi Eugene Mannheimer, Des Moines; H. L. McCracken, president Penn College; John S. Nollen, Dean Grinnell College; Prof. Benj. F. Shambaugh, State University of Iowa.
- Kansas: Rev. W. Ernest Collins, Topeka; A. A. Hyde, manufacturer, Wichita; Rev. Robert Iuglis, Emporia; John Walter Kiewer, president Bethel College, Newton.
- Kentucky: Sarah G. Blanding, University of Kentucky; Mrs. Helm Bruce, Louisville; Rev. Lon R. Call, Louisville; Rev. Teunis Gouwens, Louisville; Reuben Post Halleck, author; Mrs. Reuben Post Halleck, Louisville.
- Louisiana: Mrs. Julius Goldman, president New Orleans Section, National Council of Jewish Women; Rabbi Max. Heller, Rabbi Emeritus Temple Sinai; Rev. Carter Helm Jones, St. Charles Baptist Church, New Orleans; Josephine H. Kelly, general secretary Y. W. C. A.; Rev. J. S. Land, New Orleans.
- Maine: Philip R. Bailey, business man, Portland; Helen N. Bates, Portland; Prof. Howard K. Beale, Bowdoin College; Prof. Charles T. Burnett, Bowdoin College; Charles H. Blatchford, general solicitor Maine Central R. R.; Prof. Wilfrid H. Crook, Bowdoin College; Allison P. Howes, Pittsfield; Mrs. B. Gilpin Smith, Brunswick; Rev. Morris H. Turk, Portland; William Penn Whitehouse, 2d, Portland.
- Maryland: Prof. Gertrude Bussey, Goucher College; Dr. Molly Ray Carroll, chairman department of economics and sociology, Goucher College; Rev. Hugh L. Hodge, Baltimore; Prof. John H. Latane, Johns Hopkins University; Prof. A. O. Lovejoy, Johns Hopkins University; Prof. Mary W. Williams, Goucher College.
- Massachusetts: Rev. Fred Winslow Adams, Trinity Church, Springfield; Rev. Raymond Calkins, Cambridge; Prof. Zachariah Chafee, jr., Harvard Law School; Rev. Carey W. Chamberlin, Beverley; Rev. H. Russell Clem, Fall River; Rev. A. Z. Conrad, Park Street Church, Boston; Albert C. Dieffenbach, editor Christian Register; Elizabeth Glendower Evans, Brookline; John H. Fahey, publisher Worcester Evening Post; Rev. Newton C. Fetter, Cambridge; Mrs. J. Malcolm Forbes, Milton; Rev. William E. Gilroy, D. D., editor The Congregationalist; Sarah S. Goodwin, Concord; Prof. Arthur N. Holcombe, Harvard University; Rev. Charles R. Joy, Lowell; Edwin D. Mead, Boston; Lucia Ames Mead, Boston; Prof. Francis B. Sayre, Harvard Law School; Rev. Henry K. Sherrill, Trinity, Boston; John Van Schaick, jr., editor Christian Leader; Rev. Charles W. Squires, president Inter-Church Union, Lynn.
- Michigan: Fred M. Butzel, lawyer, Detroit; E. Estelle Downing, Michigan State Normal College; Kathleen McGraw Hendrie, chairman Michigan Women's International League for Peace and Freedom; Charles M. Novak, principal N. E. High School, Detroit; Rev. Joseph A. Vance, president Board of National Missions, Presbyterian Church, U. S. A.; Mrs. Myron B. Vorce, Wyandotte.
- Minnesota: Rev. David Bryn-Jones, Minneapolis; Rev. Noble S. Elderkin, Duluth; Alfred F. Hughes, president Hamline University; O. J. Johnson, president Gustavus Adolphus College; Right Rev. Frank A. McElwain, Diocese of Minnesota; Rev. E. R. Purdy, Minneapolis; Alice C. Webb, Minneapolis.
- Missouri: Irvin E. Deer, secretary Council of Churches, Kansas City; Sterling E. Edmunds, attorney, St. Louis; Mrs. Henry N. Ess, Kansas City; L. A. Halbert, executive director Council of Social Agencies, Kansas City; Rev. M. Ashby Jones, St. Louis; Rev. John W. McIvor, St. Louis; Mrs. George G. Peeper, president Women's Interdenominational Missionary Council, Kansas City; Rabbi Samuel Thurman, St. Louis; Grace E. Williams, Young Women's Christian Association, Kansas City.
- Montana: Rev. C. L. Clifford, district superintendent Methodist Episcopal Church, Kalispell; Rev. Jesse Lackien, district superintendent Methodist Episcopal Church, Billings; Rev. Walter B. Spaulding, district superintendent Methodist Episcopal Church, Helena; Mr. and Mrs. Norman Winestine, Helena.
- Nebraska: Rev. E. Merle Adams, Norfolk; Rev. Walter Aitken, Lincoln; A. L. Bixby, publisher Nebraska State Journal; Dr. O. W. Carroll, president Nebraska Central College; Clara C. Clayton, president Nebraska Woman's Christian Temperance Union; Margretta S. Dietrich, Hastings; H. C. Gossard, dean of men, Nebraska Wesleyan University; Rev. Ray E. Hunt, Lincoln; Frederick W. Leavitt, Congregational University pastor, Lincoln; I. B. Schrenkengast, chancellor Nebraska Wesleyan University; Mrs. Addison Sheldon, Nebraska Division, American Association of University Women; Rev. F. F. Travis, district superintendent Methodist Episcopal Church, Lincoln; Rev. W. A. Tyler, Lincoln.
- New Hampshire: Almon W. Bushnell, superintendent of schools, Henniker; Mrs. Frederick M. Gilbert, Walpole; Prof. Everett W. Goodhue, Dartmouth College; Rev. George R. Hazard, Manchester; Prof. John C. Kirtland, Phillips Exeter Academy; Dr. Lewis Perry, principal Phillips Exeter Academy; Dr. George B. Rogers, Phillips Exeter Academy; Prof. Harold E. B. Speight, Dartmouth College.
- New Jersey: Henry H. Albertson, Burlington; John Cotton Dana, librarian Newark Public Library; Rev. William Hiram Foulkes, vice president International Society of Christian Endeavor; Mrs. Ernest Lilienthal, chairman Plainfield Committee for World Friendship; Eugenie A. Retinger, East Orange; Charles T. Stone, superintendent of schools, Long Branch; Roger W. Swetland, headmaster the Peddie School.



New York: Rev. A. W. Beaven, Rochester; Clement M. Biddle, Biddle Purchasing Co., New York City; Rev. Walter Russell Bowie, Grace Church, New York City; Rev. John Lyon Caughey, Glens Falls; Samuel M. Cavert, general secretary Federal Council of Churches; G. Sherwood Eddy, New York City; Raymond B. Fosdick, attorney, New York City; Robert A. Franks, retired steel manufacturer, New York City; Harold A. Hatch, treasurer Deering Milliken & Co.; Prof. Carlton J. H. Hayes, Columbia University; D. G. S. Hazard, Syracuse; Rev. John Haynes Holmes, Community Church, New York City; Rev. Finis S. Idleman, Central Church of Disciples, New York City; Right Rev. Paul Jones; Rev. Miles H. Krumbine, Parkside Lutheran Church, Buffalo; Frederick Lent, President Elmira College; Philip Littell, writer; Judge Julian W. Mack; Prof. Parker Thomas Moon, Columbia University; Rev. Reinhold Niebuhr, Union Theological Seminary; Kirby Page, editor *The World Tomorrow*; Gwyneth K. Roe, New York City; A. I. Shiplacoff, International Pocketbook Workers Union; Rev. Ralph W. Sockman, chairman peace commission of M. E. Church.

North Carolina: Joseph D. Cox, High Point.

North Dakota: Elizabeth Preston Anderson, President State Woman's Christian Temperance Union; Carl Nelson, editor Williston Farmers Press; Right Rev. John Doyntz Tyler, district of North Dakota; Mrs. Fred M. Wanner, vice president at large, State Woman's Christian Temperance Union.

Ohio: Rev. Herbert S. Bigelow, People's Church, Cincinnati; Inetta Blackburn, New Waterford; Rev. Ferdinand Q. Blanchard, Cleveland; Rev. Dan F. Bradley, Cleveland; Dr. Abraham Cronbach, Hebrew Union College; Alice M. Doren, Dayton; Mr. and Mrs. J. H. Edgerton, Columbiana; Rev. Joel B. Hayden, Cleveland; Rabbi James G. Heller, Cincinnati; Prof. Cecil C. North, Ohio State University; A. C. Russell, President, Ashtabula Peace Society; Juliette Sessions, president State League of Women Voters; Frank D. Slutz, principal Moraine Park School; Dr. Ernest H. Wilkins, president Oberlin College; Myer Wise, attorney, Akron.

Oklahoma: Rev. Robert Samuel Satterfield, Methodist Press Association.

Oregon: Mrs. G. L. Buland, chairman international relations department Portland Federated Women's Organizations; Norman F. Coleman, president Reed College; Prof. Robert H. Dann, Oregon State Agricultural College; Bishop Titus Lowe, Portland; Julia Marquam, Portland; W. P. Walter, general secretary Y. M. C. A., Ashland.

Pennsylvania: William A. Allen, York; Mrs. David Alter, Pittsburgh; Frank Aydelotte, president Swarthmore College; Rev. Robert Bagnell, Harrisburg; Francis B. Biddle, attorney, Philadelphia; Rev. Philip David Bookstaver, Harrisburg; E. Lewis Burnham, Philadelphia; Mrs. Ralph S. Cannon, York; Prof. Edward P. Cheyney, University of Pennsylvania; W. W. Comfort, president Haverford College; Dr. Samuel Dickey, Oxford; Rev. W. W. T. Duncan, Pittsburgh; Francis Farquhar, York; Rev. Edwin N. Faye, jr., Altoona; Prof. Charles G. Fenwick, Bryn Mawr College; Rabbi William H. Fineshriber, Philadelphia; J. W. Gitt, editor *Gazette and Daily York*; Rabbi S. H. Goldenson, Pittsburgh; Rev. Frederick R. Griffin, Philadelphia; Prof. Hornell Hart, Bryn Mawr College; Rev. Walter J. Hogue, York; Ellen Gowen Hood, Philadelphia; Prof. Rufus M. Jones, Haverford College; David P. Klinedinst, attorney, York; Mrs. Edward G. McCollin, Philadelphia; Rev. Robert S. Miller, Juniata; Prof. Ernest M. Patterson, University of Pennsylvania; Alice Dunbar Nelson, executive secretary American Interracial Peace Committee; Rev. A. Ray Petty, Philadelphia; Rev. Charles D. Rockel, Altoona; S. Burns Weston, director Society for Ethical Culture, Philadelphia; Rev. W. I. Wishart, Pittsburgh.

Rhode Island: Rev. Arthur H. Bradford, Providence; Prof. Theodore Collier, Brown University; Mr. and Mrs. William H. Edwards, Providence; Rabbi Israel M. Goldman, Providence; Rabbi Samuel M. Gupp, Providence; Alice W. Hunt, Providence; Isabel Harris Metcalf, Providence; Margaret Morriss, dean Women's College, Brown University; Thomas Perry, Westerly; Dr. and Mrs. Henry A. Whitmarsh, Providence.

South Carolina: William J. McGlothlin, president Furman University.

South Dakota: Mrs. Arthur Boyce Fairbanks, Sioux Falls; Laura Clarke Gaffney, Aberdeen; A. Instanes Osborne, superintendent Lake Norden public schools; Dr. Earl A. Roadman, president Dakota Wesleyan University.

Tennessee: Prof. Paul E. Baker, Fisk University; Noah W. Cooper, Nashville; Dr. Charles Diehl, president Southwestern University; Mrs. J. W. Downs, secretary board of missions, M. E. Church South; Helen W. Eldredge, lecturer;

Rabbi H. W. Ettelson, Memphis; Thomas E. Jones, president Fisk University; Mrs. B. W. Lipscomb, secretary of board of missions of M. E. Church South; Prof. Merl E. G. Miller, Lincoln Memorial University; Mrs. R. M. Mills, Nashville; W. W. Pinson, secretary board of missions, M. E. Church South; Bolton Smith, Memphis; W. D. Weatherford, president Y. M. C. A. Graduate School, Nashville; Grace Rowland, Y. W. C. A., Memphis; Rev. Edwin E. White, Pleasant Hill Community Church; Dr. George B. Winton, editor *Methodist Advocate*, Nashville.

Texas: S. P. Brooks, president Baylor University; L. H. Hubbard, president Texas State College for Women; Mrs. S. M. N. Marrs, president National Congress of Parents and Teachers; Bishop John M. Moore, M. E. Church South, Dallas.

Utah: Dr. and Mrs. John Aird, Provo; Feramorz Y. Fox, president Latter-day Saints College; Dr. Joseph Merrill, commissioner of education, Salt Lake City; Rev. Arthur L. Rice, Phillips Congregational Church, Salt Lake City.

Vermont: Right Rev. Arthur C. Hall, diocese of Vermont; Paul P. Jones, superintendent of schools, Windham; Prof. Edmund C. Mower, University of Vermont.

Virginia: Rabbi Edward N. Calisch, Richmond; Dr. Susan M. Lough, University of Richmond; Judge James Hoge Ricks, juvenile court; Roberta Wellford, Richmond.

Washington: Albert S. Goss, Seattle; Right Rev. S. Arthur Huston, Bishop of Olympia; Rev. Robert H. Lynn, Sixth Avenue Baptist Church, Tacoma.

West Virginia: Mrs. J. Walter Barnes, president West Virginia W. C. T. U.; S. Orestes Bond, president Salem College.

Wisconsin: Elise Bohstedt, Lawrence College; John Burnham, president Waupaca County Post; Rev. H. E. Peabody, Appleton; Lutie E. Stearns, Milwaukee.

#### REPORT OF THE IMMIGRATION COMMITTEE

Mr. HARRIS, from the Committee on Immigration, to which was referred the bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws, reported it with an amendment and submitted a report (No. 1343) thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 4894) granting compensation to the next of kin of Carl E. Sturgeon; and

A bill (S. 4895) for the relief of Thomas Griffith; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 4896) for the relief of the heirs of Cristobal Ascarate; to the Committee on Claims.

By Mr. GREENE:

A bill (S. 4897) granting an increase of pension to Lucy Moulton; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4898) granting an increase of pension to Samuel A. Holt; and

A bill (S. 4899) granting an increase of pension to Lucy Queen; to the Committee on Pensions.

A bill (S. 4900) to amend section 259 of the Judicial Code; to the Committee on the Judiciary.

By Mr. SACKETT:

A bill (S. 4901) granting a pension to Nannie G. B. Cook (with accompanying papers);

A bill (S. 4902) granting an increase of pension to James L. Graham (with accompanying papers);

A bill (S. 4903) granting a pension to Emeline Riddle (with accompanying papers);

A bill (S. 4904) granting an increase of pension to James W. Melton (with accompanying papers); and

A bill (S. 4905) granting an increase of pension to Annie P. Mercer (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4906) granting an increase of pension to James H. Barber (with an accompanying paper); to the Committee on Pensions.

A bill (S. 4907) for the relief of August Mohr; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4908) for the relief of John W. Reardon; to the Committee on Naval Affairs.

By Mr. SHORTRIDGE:

A bill (S. 4909) to establish an aviation flag of the United States of America; to the Committee on Naval Affairs.

A bill (S. 4910) granting an increase of pension to William Casper; to the Committee on Pensions.

A bill (S. 4911) for the relief of Fred Helm;

A bill (S. 4912) for the relief of Robert E. Blair;

A bill (S. 4913) for the relief of Ira L. Duncan; and

A bill (S. 4914) for the relief of William M. Atchison; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 4915) granting the consent of Congress to the South Park Commissioners, and the Commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., and granting the consent of Congress to the Commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.; to the Committee on Commerce.

A bill (S. 4916) authorizing the President to appoint Edmund J. Engel a captain in the Regular Army of the United States;

A bill (S. 4917) providing for the appointment of Jacob M. Schollenberger as a warrant officer, United States Army; and

A bill (S. 4918) for the relief of James J. Lindsay; to the Committee on Military Affairs.

A bill (S. 4919) granting an increase of pension to Henry W. Kappes; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4920) granting a pension to Martha Eldora Arnett;

A bill (S. 4921) granting a pension to Eliza F. Moran (with accompanying papers); and

A bill (S. 4922) granting an increase of pension to Clarissa M. Heaston; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4923) granting an increase of pension to Mary V. Doyle (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4924) to provide for the advancement on the retired list of certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. KING:

A bill (S. 4925) to prevent the use of the mails and other communication facilities in furtherance of margin or bucket-shop transactions; to the Committee on the Judiciary.

By Mr. CARAWAY:

A bill (S. 4926) to provide for the transfer of certain criminal prosecutions from the District of Columbia to the United States District Court for the District of Maryland; to the Committee on the Judiciary.

By Mr. THOMAS of Oklahoma:

A bill (S. 4927) for the relief of Peter Shapp; to the Committee on Indian Affairs.

By Mr. CAPPER (for Mr. HOWELL):

A bill (S. 4928) for the relief of Thelma Phelps Lester (with accompanying papers); to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4929) to amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 4930) for the relief of H. L. Roberts & Co. and Thomas C. Edwards; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4931) for the relief of D. B. Heiner; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 4932) for the relief of Abe Blond; to the Committee on Naval Affairs.

By Mr. MOSES:

A bill (S. 4933) granting a pension to Annie M. Gibson (with accompanying papers);

A bill (S. 4934) granting an increase of pension to Catherine Ruddy; and

A bill (S. 4935) granting a pension to Lizzie K. Owens (with accompanying papers); to the Committee on Pensions.

By Mr. BLEASE:

A joint resolution (S. J. Res. 178) to instruct officials of Federal Farm Loan Board and subsidiaries not to foreclose any mortgage on real estate which is or will become due and payable prior to October 1, 1929; to the Committee on the Judiciary.

#### CHANGE OF REFERENCE

On motion of Mr. CAPPER, the Committee on Claims was discharged from the further consideration of the following bills, and they were referred to the Committee on Military Affairs:

H. R. 11181. An act for the relief of William Parish; and  
H. R. 11343. An act for the relief of Frank C. Russell.

#### AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. JONES submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 79, line 23, after the name "Washington" and the colon, to strike out the remainder of line 23 and all of line 24, and insert the following:

"For continuation of construction and operation and maintenance, \$1,500,000: *Provided*, That the unexpended balance of the appropriation of \$1,500,000 contained in the act making appropriations for the Department of the Interior for fiscal year 1929 (45 Stat. p. 227) shall remain available during the fiscal year 1930."

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 79, line 1, insert the following:

"Vale project, Oregon: For operation and maintenance, \$6,000; continuation of construction, \$644,000, of which amount not more than \$130,000 shall be available for the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project; in all, \$650,000: *Provided*, That the unexpended balance of the appropriation of \$744,000 for the continuation of construction for the fiscal year 1929 shall remain available during the fiscal year 1930."

#### ORVILLE WRIGHT, AND WILBUR WRIGHT, DECEASED

The bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, was read twice by its title and referred to the Committee on Military Affairs.

Mr. BINGHAM subsequently said: Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

*Be it enacted, etc.*, That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers made possible the achievements which are now stirring the emotions and pride of our people. The posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had concurred in the concurrent resolution (S. Con. Res. 24) providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States, on March 4, 1929.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Wood, Mr. THATCHER, and Mr. BYRNS were appointed managers on the part of the House at the conference.

#### APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the invitation of the House for a conference be accepted, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.



## INAUGURATION OF PRESIDENT ELECT

The VICE PRESIDENT. Under the terms of Senate Concurrent Resolution 24, providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States, on March 4, 1929, the Chair appoints the senior Senator from New Hampshire [Mr. MOSES], the senior Senator from Maine [Mr. HALE], and the junior Senator from North Carolina [Mr. OVERMAN] members of the joint committee on the part of the Senate.

## CALL OF THE ROLL

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shortridge
Barkley	George	McLean	Simmons
Bayard	Gerry	McMaster	Smith
Bingham	Gillett	McNary	Smoot
Black	Glass	Metcalf	Steck
Blaine	Glenn	Moses	Steinwer
Blease	Goff	Neely	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Oddie	Thomas, Idaho
Brookhart	Hale	Overman	Thomas, Okla.
Broussard	Harris	Phipps	Trammell
Bruce	Harrison	Pine	Tyson
Capper	Hastings	Pittman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Hefflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce that the Senator from North Dakota [Mr. NYE] is engaged in the Committee on Public Lands and Surveys.

Mr. EDGE. I wish to announce that my colleague the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

## SENATOR FROM UTAH

The PRESIDENT pro tempore laid before the Senate the credentials of WILLIAM H. KING, chosen a Senator from the State of Utah for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF UTAH,  
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, A. D. 1928, WILLIAM H. KING was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, A. D. 1929.

Witness his excellency our governor, George H. Dern, and our seal hereto affixed at Salt Lake City, Utah, this 1st day of December, A. D. 1928.

By the governor:  
[SEAL.]

GEO. H. DERN, Governor.  
H. E. CROCKETT,  
Secretary of State.

## BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I ask that the Senator from Arizona [Mr. HAYDEN] take up his so-called tax amendment and present it at this time.

Mr. HAYDEN. Very well. I offer the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 11, line 22, after the word "apply," insert:

*Provided further, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets of any lessee or contractee of the United States.*

Mr. HAYDEN. Mr. President, I have stated to the Senate the position of Arizona with respect to taxation on so many occasions and with such detail that it is unnecessary for me to repeat all the argument.

In brief, Arizona has no objection to the Federal Government engaging in the business of producing hydroelectric power provided that fact is not used as an excuse to deprive the State of a revenue that it would otherwise receive if the power development were undertaken by private enterprise.

The State of Arizona and her sister State of Nevada would not be so much concerned in this particular instance if the benefits to come from the development of power were to be largely realized within their own borders. If a power plant is constructed at Boulder Dam and a large quantity of hydroelectric power is generated at that point, more than 95 per cent of that power will be transported into the State of California. We have the testimony of many citizens of California that they expect, as a result flowing from that supply of cheap power, that it will add at least a million to the population of that State and from twelve billion to fifteen billion dollars to its wealth. If a part of the taxable wealth which will be created by cheap power from Boulder Dam were included in Arizona and Nevada, the two States would be benefited, but it is impossible under the present arrangement to have that benefit occur to the two States.

My original idea was to provide that power might be developed at Boulder Canyon Dam under the terms of the Federal water power act, but after consultation with many able Senators, who are also able lawyers, I became convinced that such a plan would not be practicable. We are told by representatives of the city of Los Angeles—and have been repeatedly so told—that the city of Los Angeles expects, under the terms of this bill, to construct a power house at Boulder Canyon Dam to generate power and to transmit the power to Los Angeles and to the cities of southern California associated with that municipality which are now selling power to their inhabitants.

Mr. ODDIE. Mr. President, will the Senator from Arizona yield for an observation at that point?

Mr. HAYDEN. I yield.

Mr. ODDIE. Mr. President, it should be borne in mind that the State of Nevada has industries which will require quite a large amount of this power to be developed at the Boulder Canyon Dam. The development of our mining industry will warrant the erection of a copper refinery at or near Las Vegas, Nev., the closest city to the dam, in order that the large quantity of copper produced in Nevada and in the surrounding States may be refined on the ground. Other industries requiring hydroelectric power will also be encouraged to start in Nevada. The city of Las Vegas, Nev., will become a manufacturing center of great importance to the whole western country because of the quantity of cheap electric power that will be available there and great wealth of the undeveloped resources in that section of the country. The production of this large quantity of power at this place will encourage the coming of new and important industries, for which we are in need and for which we will be particularly grateful.

Mr. HAYDEN. Mr. President, I hope the State of Nevada will prosper by reason of the fact that cheap power will be produced within the boundaries of the State from the Colorado River. Nevertheless, I have yet to see any set of figures prepared that showed anything different than that nine-tenths or more of this power will be transmitted into California.

Let me repeat that commissioners representing the State of Arizona conducting negotiations with the State of California have repeatedly been assured by the representatives of the city of Los Angeles, which expects to acquire the right to build the power house at Boulder Dam, that that city was perfectly willing to pay and expected to pay taxes upon the power plant, upon the transmission lines and upon the values thus created thereby by that city; there is no dispute about that; the record is complete from beginning to end that the city of Los Angeles has assured the State of Arizona that such is the intention of the city; yet whenever the time comes to put down on paper something that will make that assurance doubly sure, we can not get any agreement with anybody in California to that effect. What I am seeking to do is to make certain that no contractee or lessee of the United States generating power at Boulder Canyon Dam will assert that it is an instrumentality of the United States, and, therefore, not subject to taxation.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. As I understand, the amendment deals with "any rights which they may have"; that is to say, any

rights which the States may have. As a legal proposition, if the States have the rights claimed or asserted by them, can Congress divest the States of any of those rights?

Mr. HAYDEN. We desire an affirmative assertion by Congress that this bill will accomplish the purpose that I have stated. We know that when vast tracts of land were granted to the transcontinental railroads they immediately refused to pay taxes upon the land, claiming that there were certain conditions in the title that created a Federal interest. We know that the national banks, which were created under the national bank act, asserted that they were instrumentalities of the United States and not subject to taxation. In each instance the Supreme Court sustained those contentions, and in each instance an act of Congress was required to divest them of their right or authority to be exempted from State taxation.

Mr. SHORTRIDGE. An answer may be given categorically to my question. Does the Senator claim that the States referred to have certain rights? If so, does he maintain now that Congress could divest the States of those rights? What is the position of the Senator as a legal proposition?

Mr. HAYDEN. As a legal proposition we say that Congress should make it perfectly plain that, so far as concerns any contractees or lessees of the United States building a power plant at Boulder Dam, that they should not claim that they are instrumentalities of the United States and thereby escape taxation on the part of the States of Arizona and Nevada.

Mr. SHORTRIDGE. Could Congress divest them of any right if they have the right? What is the answer—if the Senator can answer it—yes or no?

Mr. HAYDEN. We do not know. There is so much vagueness about it. We want to make the right of taxation certain. We know that the city of Los Angeles has agreed that it would pay taxes; the city asserts that it will; but it will not agree to that on paper. What I have done, let me explain to the Senate very briefly, is to take a proviso found in section 32 of the general oil leasing act which reads—and I ask Senators to compare what I read from that act with the amendment which I have offered—

*Provided, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.*

The only material change in the language I have read is that instead of using the words "output of mines," I use the words "output of electrical energy." In the instance of the oil leasing act the term "output of mines" was appropriate, because that act refers to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, and the general term, "output of mines," was necessary. In this instance the only difference is the use of the words "output of electrical energy."

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. HAYDEN. I have only 15 minutes, but I will be glad to yield.

Mr. SACKETT. I should like to ask why the Senator put in the words "or contractee"?

Mr. HAYDEN. The bill as now pending before the Senate contemplates that contracts shall be let. The term "contracts" rather than "leases" is used throughout the bill. So I use the term "lessee or contractee."

Mr. SACKETT. That adds to the oil leasing act that word, does it not?

Mr. HAYDEN. The contractee under this bill will be in exactly the same status as a lessee under the oil leasing act.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question before he passes from that?

Mr. HAYDEN. If the Senator will make his question brief, I shall yield. He understands, however, that the Senate is operating under the 15-minute rule.

Mr. SHORTRIDGE. I will take just a moment. According to the provisions of this bill, we have perhaps already conceded, if I may use that word, a great deal to the State of Arizona. I have understood that, in lieu of the right to tax, the State of Arizona was being given other considerable income derived from the operation of the electric power plant.

Mr. HAYDEN. That income may or may not exist; it will depend upon the profits of the business. What I am seeking to make fixed and certain here is the offer and assertion of the city of Los Angeles that if that city shall build the power plant at Boulder Dam it will be taxable. The city has said that it will agree to do that; it has assured us of that at all times; and I want to make that certain.

In connection with the amendment I have offered, I respectfully direct the attention of the Senate to these words from the

message of the President of the United States, recently delivered to Congress:

It is unfortunate that the States interested in this water have been unable to agree among themselves. Nevertheless, any legislation should give every possible safeguard to the present and prospective rights of each of them.

The adoption of my amendment should satisfy the President of the United States that the rights of the States have been protected.

In respect to the right of the State of Arizona to receive an income of this nature, I desire to quote the statement made by the next President of the United States, Mr. Hoover, addressed to a representative gathering of citizens in Arizona at the Grand Canyon last August. At that time Mr. Hoover said:

He has no objection to the Federal Government agreeing that the State of Arizona might impose a tax on power produced on the Colorado River in the State of Arizona, and feels sure that the Federal Government will agree to the imposition of a reasonable tax of that kind.

Let me say further, so that the Senate may thoroughly understand Arizona's position, that the State of Arizona has never sought unduly to burden the project by excessive demands for revenue. Arizona has always agreed that the United States should be fully reimbursed during each and every year in which the payments are to be made, first, for the annual amortization payment of the construction cost; secondly, for interest on the money invested; third, for all operation and maintenance; and, fourth, for a reasonable payment into a reserve fund to meet emergencies. All of those things the United States of America is entitled to have first before Arizona receives any income; but we say that if the United States of America, after having made contracts—and contracts must be made or the dam can not be constructed—that will accomplish all of the four purposes, those who purchase the electrical current or who generate it at Boulder Dam should not be free of taxation by the State of Arizona with respect to any improvements or values which they may create at that place.

In the remarks which I have submitted to the Senate on previous occasions I have cited many instances where States have reimbursed localities for loss in taxes, such as by the creation of State parks. I have shown that the city of Los Angeles on all improvements owned by that city outside of its limits in the State of California now pays taxes the same as does any other taxpayer.

The VICE PRESIDENT. The time of the Senator from Arizona on the bill has expired.

Mr. KING. Mr. President, in my time, and for information, may I ask the Senator from Arizona—my attention was diverted while he was speaking, and I did not hear all that he said—whether the amendment offered by him contemplates that the provision for 18½ per cent should not be operative?

Mr. HAYDEN. No.

Mr. KING. That is to say, if Arizona may tax the plant which may be constructed, or impose a reasonable license upon the power generated and transmitted beyond the State, then is the Senator asking that his State shall have, in addition to that, 18½ per cent of the proceeds derived from the sale of power, and so forth?

Mr. HAYDEN. The State of Arizona and the State of Nevada should receive both incomes. We are advised by representatives of the city of Los Angeles that they expect to pay to the United States a price for power which will be in excess of the needs of the United States with respect to amortization, interest, operation, maintenance, and so forth, and that thereby the States may obtain some income from that excess profit. In addition to that, we are assured by the representatives of the city of Los Angeles that they will pay taxes upon any improvements erected by them at Boulder Dam. So that both propositions will be contained in the bill if my amendment is adopted.

Let me state to the Senator further that a precedent for that is found also in the general oil leasing act, which divides the royalties received by the United States by allowing the States to receive 37½ per cent of such royalties, and in addition thereto provides that the States may tax the oil in the hands of the private operator after it is severed from the ground. Every State operating under the oil leasing act obtains those two sources of revenue from oil produced upon the public domain.

Mr. KING. It is my view that States should be permitted to derive revenue from property within their borders acquired by the United States for industrial and business purposes and used for such purposes. If the United States should enter the State of Wyoming or the State of Utah and generate power which was used for business purposes, then those States should be permitted to derive revenue to the same extent just as if the business was owned and conducted by private persons. Governments enter-



ing into private business in competition with private persons should be subject to the same State regulations and burdens.

Mr. HAYDEN. The Senator is drawing the well-known distinction between governmental and nongovernmental activities.

In the instance of a State the most noted case is that of the State of South Carolina, which went into the liquor business by establishing dispensaries, and asserted that because the State was in that business it was not liable to pay the Federal revenue tax on liquor. The Supreme Court held that it was a nongovernmental function of the State, and therefore the Federal tax should be paid.

Mr. KING. I am familiar with that case.

Mr. HAYDEN. In that case I think the Chief Justice, in the dissenting opinion, very clearly pointed out that if the rule worked that way it should work the other way, and that if the United States engaged in a nongovernmental function the States should be entitled to their tax.

We are not asserting here so broad a doctrine as that at all. We are not asserting the right to tax Federal property. We ask that Congress make it clear and specific, so far as a licensee or contractee of the United States is concerned who goes to the Boulder Canyon Dam and builds a power plant and a transmission line, that that property—not of the United States but of the licensee or contractee—should be subject to State taxation.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me to ask a question?

Mr. KING. Yes.

Mr. McKELLAR. As I understand, this amendment is drawn directly within the case that has been decided by the Supreme Court of the United States, upholding a tax made under a similar provision?

Mr. HAYDEN. It is.

Mr. KING. Mr. President, I am not yet quite certain as to the position of the Senator. If I understand him correctly, it is that Arizona now is asserting the right to obtain 18½ per cent of the revenues that may be derived from the sale of power and water after the Government shall have been paid, and, in addition to that, is asserting the right to tax property—for instance, a power plant—that may be constructed in connection with the dam, and also the right to levy a tax or to impose a license upon the power which is developed and transmitted from the State into some other State.

Mr. HAYDEN. Limited strictly by the amendment to the erection of such a power plant or development by a contractee, or licensee of the United States.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. DILL. Why the words "output of electrical energy"?

Mr. HAYDEN. Because in the oil leasing act, from which this amendment was copied, the term "output of mines" was used.

Mr. DILL. Does the Senator intend to tax the power? Is that the idea?

Mr. HAYDEN. We have been assured by the city of Los Angeles that we would have the right to levy, and they would be glad to pay, a tax upon any value created there. Now, it might be taxed in more than one way. It might be taxed by assessing the value of the power house and the transmission lines, or it might follow the California practice, and, instead of assessing the physical properties, assess the output from the properties.

Mr. DILL. That is, if they took 100,000 kilowatts—tax that amount of power?

Mr. HAYDEN. Yes. In other words, these are alternatives which may be applied in any other way. For example, I understand that private power companies in the State of California are subjected to a tax of either 6½ or 7½ per cent of their gross receipts, which is a tax upon the power, of course, because that is what they sell and obtain a revenue from.

Mr. DILL. Is not this, then, laying a burden on the private contractee or lessee as against the Government itself doing it?

Mr. HAYDEN. Will the Senator repeat his question?

Mr. DILL. I say, is not this amendment, therefore, laying upon the private contractee or lessee a burden—the right to tax—from which the Government is free; and does it not to that extent drive the Government to do this work, because it will not be on an equality with the private contractee or lessee?

Mr. HAYDEN. I do not think that would necessarily follow.

Mr. DILL. Well, you have the right to tax this electricity and these improvements if a private contractor or lessor handles the matter; but you could not do it if the Government did it, under this amendment.

Mr. HAYDEN. If the Government went in and extended its business to the construction of transmission lines and to the delivery of power to consumers, we would be estopped to the

limit; but wherever the Government's function ceases, and the private contractor, or a municipality acting in that capacity, takes up the work, from there on we say that their business and their values and their property should be taxed.

Mr. DILL. The point I am trying to make is that the adoption of this amendment means that the Government would have an advantage that would not be had by any private contractor or lessor.

Mr. HAYDEN. It possesses that advantage by reason of the provisions of the Constitution of the United States which will not allow a State to tax any Government property.

Mr. DILL. But this amendment specifically makes that difference mandatory.

Mr. HAYDEN. Well, it should be.

Mr. KING. Mr. President, I am in favor of the States retaining the rights which they now have to impose taxes and liens upon the generation and distribution of power. If the Federal Government becomes a proprietor of business enterprises, and enters into competition with private enterprises, I see no reason why it should not be subject to taxation. If the Government takes money out of the Treasury and manufactures shoes or machinery, or engages in any other industrial pursuits, it seems to me that the States within which those activities are carried on ought to be permitted to derive revenue therefrom.

I can distinguish between the Government exercising sovereign and governmental power and the Government exercising what might be denominated proprietary powers. Where it becomes a business factor and engages in business pursuits in competition with private business, it seems to me that it ought not to hide behind its sovereignty and claim immunity from taxation.

I am not clear, though, that this amendment does not go further than that. I am entirely willing that Arizona should derive a reasonable revenue from the property which may be created as incidental to the building of that dam. If the amendment goes no further than that, I think it should be adopted. If it goes further than that, and in addition to conferring the right to tax confers authority to inhibit the transmission of power by the imposition of oppressive charges, then a different question is presented.

I confess, Mr. President, with the information which I now have that I have a good deal of dubiety as to how to vote upon this amendment. I shall be glad to have the question clarified by the senior Senator from Arizona [Mr. ASHURST] or by others who are familiar with its import and with the objects which are in view.

Mr. WALSH of Montana. Mr. President, if this amendment should prevail—and I think it should prevail—another feature should have some consideration; and I have put my views with respect to the matter in the form of an amendment or an additional paragraph.

As I understand the matter, this amendment purports to authorize only the taxation of private property constructed under contract with the United States. Obviously, that property should be subject to taxation; and I think everybody will agree that under established rules it would be subject to taxation by the States in which it was found. Some apprehension exists, however, lest it should be contended against the State authority that the property so constructed was an agency of the Government of the United States, a part of a general project of the United States to carry out governmental purposes; and so it would be the part of prudence and wisdom to enact that that contention could not be made.

The Government of the United States may grant to the States the right to tax its agencies. It has done so in the case of national banks. National banks are agencies of the Government of the United States; but the Government of the United States consents that the State shall tax those agencies. As has been suggested by the Senator from Arizona, when the leasing bill was passed, some apprehension was felt lest the works erected upon one of these leases by the lessee should escape taxation upon the ground that the lessee was a mere agency of the Government of the United States for the purpose of carrying out its purposes; and thus we forestalled any objection of that character by enacting the provision that the property should be subject to taxation.

Of course, so far as the property of the Government of the United States is concerned, it can not be made the subject of taxation; and whatever injustice there may be in that, I understand, is attempted to be corrected here by providing that the States of Arizona and Nevada shall get 37½ per cent of whatever profits there are in the operation. That, as I understand, is to take the place of taxation of so much of the property as belongs to the Government of the United States—the dam and other things of that character.

But, Mr. President, if this property should become subject to taxation, we would not want the taxes imposed upon the property by the State to be superior in character to claims of the Government of the United States under those contracts.

If the power plant, for instance, is constructed by a private corporation under a contract from the Government of the United States providing that it shall have water from the reservoir for the purpose of developing power, we do not want any tax imposed upon that property by the State of Arizona or the State of Nevada to take precedence over what is due from the power company to the United States under the contract which authorizes it to utilize these waters. So, Mr. President, an amendment of this character ought to be accompanied by another provision in the bill to the effect that the claims of the United States, under any contract authorized by the act, shall take precedence and priority over all other claims.

I think perhaps that such a provision is not absolutely in the bill, by reason of the provisions of section 191 of title 31 of the Code of Laws, giving priority to claims of the United States in case of insolvency and the administration of the assets of decedents. However, there might still remain the question as to whether that gives priority over the claim of a State for taxes. It might even then be asserted that it did not apply.

It has been held by one of the district courts that a claim of the United States for taxes is superior to another claim, but it has not been held yet that a claim of the United States not for taxes is superior to the claim of a State for taxes. And inasmuch as taxes usually rank higher than ordinary claims in distribution, it might still be contended that the claims of Arizona and of Nevada for taxes would be superior to the claims of the United States against the contractee for water delivered.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. HAYDEN. I will state positively that at no time and in no place, and by no one authorized to speak for the State of Arizona, has it ever been asserted that the State desires to collect taxes ahead of the payment to be made to the United States under these contracts.

Mr. WALSH of Montana. I desire to say in this connection, likewise, that I am not apprehensive that either of these two States is going to impose any confiscatory rates of taxation upon the property that thus is put upon the ground by a private corporation operating under contract with the United States, for the reason that if it imposes heavy burdens upon that particular property it must, under the rule of uniformity, impose exactly the same burden against every other producer of electricity in the State. So that is a reasonable safeguard as to that.

Accordingly, Mr. President, while this is not particularly appropriate to the amendment pending, I suggest that after line 20, on page 20 of the bill, there be inserted the following:

Claims of the United States arising out of any contract authorized by this act shall have priority over all others, secured or unsecured.

I put in "secured or unsecured" there because in all reasonable probability the private corporation, if one ever undertakes to build a power plant, will bond the property, and the claims of the United States for the water which the power company uses should be superior to any claim against that company, even though it is a secured claim.

The PRESIDENT pro tempore. Does the Senator submit that as an amendment to be printed and to lie upon the table?

Mr. WALSH of Montana. I will do so. So that if the pending amendment is adopted—and I hope it will be—I shall offer this amendment to the bill, to be inserted at the place indicated.

Mr. PITTMAN. Mr. President, there is another question; that is, the question of the uniformity of taxation of power companies. There is no doubt, under the report with regard to the Colorado River, that there will be a dam built at Bulls Head, about 50 or 60 miles south of the proposed dam. That, of course, will not be built by the United States Government, because there will be no necessity for it and no constitutional grounds upon which to build it. If built at all, it is bound to be built under the Federal power act. In that event, the lessee of the United States Government—that is, the lessee of the public land—will have to pay a tax not only on the dam, but a tax on its power house, or on the output of electricity, in whichever way the States impose the taxes. Therefore you would have this peculiar situation: You would have the company at Bulls Head paying a tax for the use of water under a license from the Federal Government, because both the dam and the power house would be private property, and a hundred miles above there you would have a power company not paying any taxes for the use of the surplus water of that dam. You would have unequal taxes in the very first place.

Mr. WALSH of Montana. Mr. President, let me inquire whether power plants generating electricity in all reasonable probability will not be constructed and have not been constructed in various places throughout both States?

Mr. PITTMAN. They have been. Let me call attention to the fact now that in the State of Arizona the Salt River Water Users' Association, in the locality reclaimed by the Roosevelt Dam, has acquired title to all of the water that is impounded. They have acquired title by the district assuming to pay the Government's debt, and to-day the Salt River Water Users' Association is engaged in the business of generating and selling hydroelectric energy all over parts of Arizona.

The State will have to have uniform taxation with regard to power. Whether it be a taxation of the physical property of the power company or whether the tax be based, as it is now, I believe, in Alabama, upon the amount of electric energy that is generated, it will have to be uniform. They will not be able, for instance, if they should elect to tax hydroelectric energy, to tax the Salt River Water Users' Association one-fourth of a mill per kilowatt-hour and tax the power committee that uses the water from the proposed dam a half a mill per kilowatt-hour. That would be unconstitutional.

The result is that, protected by the constitutional provision as to uniformity of taxation, and there being every incentive of everybody in both States to keep down taxation—which is a fact—there can be no fear that there would be any discrimination in this case. But as affecting not only this particular transaction, but as affecting every State in the Union, that policy should be maintained.

When we had before us the general oil leasing bill that matter was subject to discussion for a long period of time in the committee, it was subject to discussion on the floor of this body, and it was determined that when the Federal Government marked a vast line around a lot of public land that was supposed to contain oil and proceeded to lease the right to mine that oil, while they served a great national purpose in the conservation of oil, at the same time they forever removed the power of the State to tax that land. If it had gone into private ownership it would have been subject to taxation.

It was also feared, as the Senator from Montana [Mr. WALSH] has said, that even the oil that was taken out under the lease, after it was put in tanks, would not be subject to taxation, under the theory that this private oil company was an agency of the United States Government, because it was operating under a lease; and it is feared here that if a private company does get the use of this water and builds this power house, although it will have nothing whatever to do with the primary purpose of flood control, but will be just a separate business, and will not use anything except the surplus waters behind that dam, which are not needed for the main purpose of this act; yet it might be held that that private company, selling power as it saw fit throughout the country, was still an agency and instrumentality of the Government and could not be taxed. If that were the case, you would have that company going free of taxation, and you would have another company, at a dam built under the Federal power act, below it or above it, utilizing the same waters, paying a tax.

In the steady growth of Federal operations throughout the United States through the various leasing acts we have through the possible extension of activities under the commerce clause of the Constitution of the United States, it is essential that taxing powers of the States be maintained so long as they do not interfere with the operations of the main purposes of the Government in its works.

I think as a general proposition a principle of this kind should be sustained. I have no objection whatever to the additions to this legislation which the Senator from Montana [Mr. WALSH] is going to offer. In fact, I think it is perfectly proper to maintain that policy which he now desires to initiate, that this right shall always be subject to the prior right of the Government of the United States to carry on its project.

Mr. SHORTRIDGE. Mr. President, the senior Senator from Arizona, in the course of his discussion of this bill, cited a great many cases, many of which were to this effect, that the Government of the United States acting in its sovereign capacity may be the owner of property which is not subject to State taxation. He also cited cases to the effect that where the Federal Government goes outside of or beyond its constitutional functions and becomes the owner of property, it becomes in a sense a private property owner, and its property is subject to taxation. Those are very well known principles or rules of law. Along with those two rules of law, recognized, I take it, by everybody, it has been held, further, that a State owning property is subject to the rules of equity and in a given case be estopped from asserting certain rights. I have in mind the case of the State of Iowa v. Carr.



I listened with respect, not feigned but genuine respect, to the argument made by the senior Senator from Arizona [Mr. ASHURST], and also by the junior Senator from Arizona [Mr. HAYDEN], both of whom are thoughtful men and look far into the future, and have manifested that they are worthy champions and defenders of the rights of their great State. If I understood their argument, they fear that the State of Arizona will be deprived of certain of its claimed sovereign rights to tax the property concerning which we have devoted so much time in discussion. I am not now thinking of any other dam hereafter to be constructed by private parties or the rights of the State in respect to taxing that property. I am inviting close attention to this particular Boulder Dam which I am happy to say will be constructed.

I had understood up to this moment, or up to the time this amendment was urged, that in lieu of its right to tax, in lieu of the right to receive some revenue to come out of this great enterprise through taxation, the State of Arizona asked the Congress or the Nation to concede to it something in consideration of what it might lose, and I think we have done so.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Arizona?

Mr. SHORTRIDGE. I yield; certainly.

Mr. HAYDEN. Let me make it perfectly clear to the Senator that so far as any contact between the official representatives of the State of California and the State of Arizona appointed as commissioners to negotiate an agreement to settle the differences between the two States, there has never been any dispute. California's commissioners have always said they were willing that the States of Arizona and Nevada should receive a percentage of the gross profit; and, in addition thereto, that the city of Los Angeles, if it constructed a power plant, would pay taxes to Arizona and Nevada upon that power plant just as though it was private property.

Mr. SHORTRIDGE. I am not disputing as to what has heretofore been conceded or argued. I am now to be governed by what the Congress is called upon to do.

Mr. HAYDEN. The Congress has been informed of that fact many times.

Mr. SHORTRIDGE. Grant that; but I proceed to repeat that I thought, and I venture to say that practically every Member of this body thought, that when we were giving or conceding to Arizona 18.75 per cent of certain revenues to be derived from the operation of this great enterprise, that was in lieu of or in consideration of some rights to tax which Arizona was losing or might lose.

Mr. HAYDEN. If the Senator will yield further—

Mr. SHORTRIDGE. Certainly.

Mr. HAYDEN. I think the explanation made by the Senator from Montana [Mr. WALSH] on that point is perfectly clear, that the provision for the payment of 18.75 per cent of the excess revenues was in lieu of the right to tax property of the United States and had nothing to do with the right to tax property of the lessee.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Nebraska?

Mr. SHORTRIDGE. I yield.

Mr. NORRIS. I think a reading of the 18.75 per cent provision discloses that the 18.75 per cent is to be derived from the entire revenue, and if the Government leases to some private party a part of the electricity they will get a revenue from that. That is included, it seems to me, so if this is proposed in place of taxation, Arizona is going to get something in lieu of taxation and then tax the property afterwards just the same as though there was no such provision.

Mr. HAYDEN. If the Senator will pardon me, I am sure he would not want to make an incorrect statement. He said 18.75 per cent of all the revenue. It is 18.75 per cent of the excess revenue after the United States has been reimbursed.

Mr. NORRIS. It is a part of the revenue derived from electricity.

Mr. SHORTRIDGE. And ultimately, may I add, as we thought and as I now think, Arizona will receive an immense revenue under the provisions now in the bill. I do not wish to compare the demands made by Arizona with the demands made by my State. Much has been said touching California's demands, but I stand in admiration of the Senators from Arizona in their continuing fight for more revenue.

Finally, if this provision goes into the bill this is to be considered: Nothing is to be done under the bill until certain contracts shall have been entered into. Either the Government is to build, or private concerns, corporations, districts, or subdivisions of States are to build. Manifestly, when a private concern enters into negotiations looking far into the future, it will

be greatly concerned over this very question whether the State can tax the property involved. I venture to say that that provision or such a provision, if put into the bill, will have a very deterring influence upon the entering into of perhaps very desirable contracts.

Mr. HAYDEN. Would it have a more deterring effect than the payment of taxes by any private power company if it engaged in business also? They would expect to pay their taxes, would they not?

Mr. SHORTRIDGE. I grant that. But finally, I submit that in this bill we have been more than just, we have been generous, to Arizona. We have provided that ultimately she shall receive an immense revenue from this great enterprise. What more does the State want? How far will she go?

Mr. JOHNSON. Mr. President, I think this is an amendment that is fraught with very great peril. I trust it will not be adopted. It is asserted, of course, that it is but the statement of an existing law and that it is confirmatory only of a right that the State now has. If that be true, then it is unnecessary. If, indeed, it seeks more than that, then it is worse than unnecessary; it is vicious and it ought not to be adopted. I am unable to say what "output of electrical energy" may mean or how it would be construed, but whatever the facts may be, to squint at least toward taxation of what may be done at that time by the Government is something that we ought not to do.

Our friend from Arizona quoted from Mr. Hoover again. He ought not to do that, because I think that he realizes just as I do that that is one of the things that never will be tolerated by the next President of the United States, and he has so said to representatives of the State of Arizona. I hate to say such things and indulge in that sort of talk upon the floor of the Senate, but it is only because of the reiterated statements that have been made by the junior Senator from Arizona [Mr. HAYDEN] that in self-defense I make that sort of statement now.

However that may be, it is a matter of indifference, so far as our legislation is concerned, and I want to make that perfectly plain. I do not care a rap whether some gentleman, even the next President of the United States, at some place in Arizona at some time in the past made some reference of the character that the Senator from Arizona has indicated, or that at some time subsequent to that he made the direct statement that I have attributed to him to representatives of Arizona just after the election. That is neither here nor there. The question is whether an amendment should be fastened upon this bill out of which difficulties and troubles might in the future arise. I trust that the Senate will not permit it to be done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. HAYDEN], which will be read.

The CHIEF CLERK. On page 11, line 22, after the word "apply" insert:

*Provided further, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets of any lessee or contractee of the United States.*

Mr. ASHURST. Mr. President, I demand the yeas and nays. The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). On this question I have a pair with the junior Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the senior Senator from New Jersey [Mr. EDGE] and vote "nay."

The roll call was concluded.

Mr. HARRISON. On this vote I am paired with the senior Senator from South Dakota [Mr. NORBECK]. If permitted to vote, I should vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If he were present, he would vote "nay."

Mr. JONES. I desire to announce that the senior Senator from Wyoming [Mr. WARREN] is paired with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is detained from the Senate by illness.

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate because of illness in his family.

Mr. ROBINSON of Arkansas. I desire to announce that on this question the junior Senator from New Jersey [Mr. EDWARDS] has a pair with the senior Senator from New York [Mr. COPELAND].

The result was announced—yeas 35, nays 42, as follows:

YEAS—35			
Ashurst	Gerry	Oddie	Swanson
Barkley	Glass	Pittman	Thomas, Okla.
Black	Harris	Ransdell	Trammell
Blease	Hawes	Robinson, Ark.	Tyson
Broussard	Hayden	Sheppard	Wagner
Bruce	Heflin	Simmons	Walsh, Mont.
Caraway	King	Smith	Waterman
Fletcher	McKellar	Steck	Wheeler
George	Moses	Stephens	
NAYS—42			
Bayard	Dill	Keyes	Schall
Bingham	Fess	La Follette	Shipstead
Blaine	Frazier	McMaster	Shortridge
Borah	Gillett	McNary	Smoot
Bratton	Glenn	Norris	Steiner
Brookhart	Goff	Nye	Thomas, Idaho
Capper	Hale	Phipps	Vandenberg
Couzens	Hastings	Pine	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ind.	
Deneen	Kendrick	Sackett	
NOT VOTING—18			
Copeland	Harrison	Mayfield	Reed, Mo.
Edge	Howell	Metcalf	Tydings
Edwards	Larrazolo	Neely	Warren.
Gould	Locher	Norbeck	
Greene	McLean	Overman	

So Mr. HAYDEN's amendment to the amendment was rejected. Mr. BROOKHART. Mr. President, a question has been raised concerning this bill by some of the farm organizations. It has been their claim that it will put new land under cultivation, and therefore produce new crops in competition with the production we already have, while at the same time we have the big problem of controlling the surplus. In order to get the record clear and distinct as to the amount of land to be put under cultivation by this project and the nature of the crops, I desire to ask the Senator from California about the probable increase. How much new land will be brought under cultivation by this project?

Mr. JOHNSON. Mr. President, it is a difficult thing to answer with any exactness concerning the amount of acreage, but I think I may say upon feasible irrigation areas in the Imperial Valley there may be lands brought under cultivation to the extent of about 150,000 acres. On areas that may be difficult a very considerable acreage more will be brought in. Did the Senator ask me about the crops?

Mr. BROOKHART. Can the Senator from California give something like an estimate of what would be possible?

Mr. JOHNSON. I think we could state as a possibility 300,000 acres, but upon immediately feasible schemes I think I have stated with fair accuracy the number of acres.

Mr. BROOKHART. I will call the Senator's attention to the fact that that means less than one ordinary county in the State of Iowa. Now, will the Senator state the nature of the crops which will be produced on this land?

Mr. JOHNSON. Mr. President, I am very glad the Senator from Iowa has asked that latter question, because there has been some little fear expressed about the crops raised in the Imperial Valley and contiguous territory, to the effect that they might come in competition with the products of already overburdened farmers. That fear has led some persons to look a little askance at this measure.

Let me say that the Imperial Valley may be regarded as a sort of greenhouse for America. What it produces in abundance, and that which makes that territory valuable from the standpoint of productivity, does not come in competition in reality with the production of any other part of the United States. Because of the singular situation of that territory, where there is no rain at all, its most important products come into market at a time when there are no other products of like character in the market in the United States.

So there can be never any of that competition that is feared by ordinary agricultural pursuits because of the bringing of more lands under ordinary agriculture.

In 1927, for instance, there were 17,764 carloads of cantaloupes shipped from that valley. There is not another place in the United States, save the San Joaquin Valley, in the State of California, probably, with which those cantaloupes could possibly come in competition.

Mr. BROOKHART. Is that because of the season of the year?

Mr. JOHNSON. It is because of the season of the year, and because, too, that is the one place where that particular kind of product is grown.

Likewise, 8,900 carloads of lettuce were shipped in 1927 during December, January, February, and March. That production at that time does not come in competition with the production in any other part of the country.

Three thousand five hundred carloads of watermelons were shipped in May and June, principally to the Pacific coast. The other shipments were beyond the confines of the State of California and to the East.

Mr. BROOKHART. Watermelons in my section of the country are not ready for shipment until August and September.

Mr. JOHNSON. Yes; while those produced in Imperial Valley are ready for consumption at the earlier period which I have indicated.

What is raised in the Imperial Valley most profitably—and, of course, the land is devoted to that which can be profitably raised—comes in competition with nothing that is raised in any other part of our country. I think that statement can not be gainsaid or denied.

Mr. PHIPPS. Mr. President, will the Senator tell us whether in any other section of this country dates and figs may be successfully raised? Dates are becoming an important product of the Coachella Valley.

Mr. JOHNSON. As to figs I am not advised, but I know of no other place in the country where dates are produced. I can not say as to figs at all.

Mr. BROOKHART. What proportion of this land available for cultivation is likely to be devoted to citrus orchards?

Mr. JOHNSON. This land in the main would not be devoted to citrus orchards. It would be devoted to the most profitable products, such as cantaloupes, lettuce, and vegetables.

Mr. BROOKHART. During the winter season?

Mr. JOHNSON. During the winter season.

Mr. FLETCHER and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER (Mr. McKellar in the chair). The Senator from Iowa has the floor. To whom does he yield?

Mr. BROOKHART. I will yield first to the Senator from Florida.

Mr. FLETCHER. I wish to say a word in order to clear up the Senator's statement a little: I think the Senator was somewhat mistaken about there being no competition between the Imperial Valley production and the production in other portions of the United States. Particularly in the case of lettuce my impression is that Florida lettuce moves about the same time as the dates given by the Senator.

Mr. JOHNSON. That may be.

Mr. FLETCHER. The winter production of lettuce, as well as celery, is important in Florida.

Mr. JOHNSON. The Senator may be correct as to that.

Mr. FLETCHER. I think that lettuce goes to market from Florida about the same time as the lettuce from the valley in California which has been referred to.

Mr. JOHNSON. Fortunately, the market for lettuce is constantly increasing.

Mr. FLETCHER. Yes.

Mr. McMASTER. Mr. President, according to the explanation of the situation given by the Senator from California, on the 150,000 acres of land or more which may be brought under cultivation, fruit and vegetables will be raised, and, since the products are raised at a particular time of the year, they will not come in competition with the products of other vegetable and fruit-producing areas.

Mr. JOHNSON. That is quite true.

Mr. McMASTER. And furthermore, as I understand from the Senator's explanation, when such fruits and vegetables are raised, at that particular time of the year, ordinarily there are importations of such fruits and vegetables from South American countries into California and the other Pacific Coast States.

Mr. JOHNSON. Yes; we do not supply our entire demand out there by any means.

Mr. McMASTER. As I understand, the Pacific coast has importations of vegetables and certain fruits from South American countries at certain times of the year.

Mr. JOHNSON. Yes, sir.

Mr. BROOKHART. May I ask the Senator a further question? These products are not exported beyond the United States?

Mr. JOHNSON. I think not.

Mr. BROOKHART. The products of which we do have an exportable surplus in this country are all different, like wheat and cotton?

Mr. JOHNSON. These products of the Imperial Valley are all consumed at home—that is, in the United States.

Mr. BROOKHART. In the United States?

Mr. JOHNSON. Yes, sir.

Mr. SHORTTRIDGE. Mr. President, may I say a word?

Mr. BROOKHART. Yes, sir.

Mr. SHORTTRIDGE. The wheat and corn of Iowa, North and South Dakota, Nebraska, and Kansas need have no fear of competition from the Imperial Valley. Corn, wheat, rye, oats,



and so forth, if raised at all in that valley, are raised in such small quantities as not at all to come in competition with the mentioned products of Iowa and other States.

Mr. BROOKHART. They raise sweet corn for local use, and things of that kind?

Mr. SHORTRIDGE. Yes.

Mr. BROOKHART. It seems to me, Mr. President, that a complete survey of this situation shows that these products are produced mainly at the time of year when the farmers of the country generally can not produce them. They like to buy some of these products themselves; and an increase of the production would be to the benefit of the farmers of the Northwest, rather than to their detriment.

Mr. JOHNSON. That is entirely so, sir.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, line 22, after the word "apply," it is proposed to insert:

*Provided, That if the United States operates an electric-power plant in the States of Arizona and Nevada, or either of them, and sells said power to or for the use of the public, a percentage of the proceeds derived from the sale of such power shall be paid by the Secretary of the Interior to the State in which such power is generated, equal in amount to the general tax imposed by State law, if any, upon the generation or sale of power.*

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama.

Mr. BLACK. Mr. President, this amendment practically brings up in a different form the same proposition that has just been voted upon by the Senate. I imagine that the Senator from California would prefer not to wait to have this amendment printed because of the similarity of ideas involved.

Mr. JOHNSON. I shall be glad to take it up right now.

Mr. BLACK. That is what I thought.

I wish to state that this amendment is offered in the friendliest spirit to the purpose and object of the bill. Unless some amendments are placed upon the bill which prevent my doing so, I expect to vote for this legislation. Therefore I do not offer this amendment in order to encumber the legislation which the Senator from California is pressing. I offer it because I favor the object of his bill.

If the bill is so amended as to provide for the construction of the power plant by the Government, it will not prevent my voting for the legislation. I make that statement in the outset, so that it will be understood that this amendment is not offered with the idea of obstructing the bill.

Mr. NEELY. Mr. President, will the Senator from Alabama explain the difference between the amendment he has offered and the amendment which was just defeated offered by the Senator from Arizona?

Mr. BLACK. I will.

This amendment strikes directly at the proposition which was presented during the debate on the Muscle Shoals legislation last year. Assuming that the Government will construct and operate a power plant, the amendment would permit the States of Arizona and Nevada, one or both, to receive from the Government an amount of the proceeds equal to the taxes imposed by those States upon private power companies engaged in business in those two States, one or both. It is offered on the principle that if the Government engages in the business of generating or selling power in a State, the State should not from that cause be deprived of the revenue which the State would receive from taxation should a private concern engage in the same business.

One of the greatest problems of government, of course, is that of taxation. It is a question where the taxes shall be most heavily imposed. It is my judgment that already in this Government we impose unjust burdens on agricultural interests while releasing from their rightful proportion of taxation many industries and manufacturing enterprises. If it were possible for the Government to go into a State and take charge of the operation of every power plant along the navigable streams, and at the same time pay no taxes to the State while it operates such business, the State would thereby be deprived of one of its greatest natural assets, and the loss of tax on such generation of power on governmental projects would require that such burden be placed on some other source of taxation.

Those governmental employees who engage in the business of generating the power would necessarily use the public schools of the State. To that extent these employees would be beneficiaries of the State schools. They would use the public roads. They would utilize those necessities and comforts and

conveniences provided by the State and paid for out of the common tax fund. If the Government can remove from any State a large portion of the potentially taxable assets, it has to that extent made necessary the shifting of the burden of taxation on to other properties of the State.

I take the position that a water site is an asset of the State in which it is located. It is not different in this respect from a coal mine. It should be subject to the same taxation as a farm. It should be subject to the same taxation as manufacturing enterprises.

While I will not vote against the bill on account of the fact that the Government is to construct or operate the power plant—on the contrary, it is my judgment that the Government should control its navigable streams even to the extent of constructing power plants—yet it does seem to me unjust and unfair to permit the Government thus to deprive the State of its taxable assets without imposing upon the Government the duty of replacing this tax.

Some have argued that Government operation of power plants is wrong on account of the fact that the Government is not compelled to contribute to taxation, and therefore has an unfair advantage over its competitors engaged in private business.

I take the position that the amount of taxation is so small, comparatively speaking, that the advantage thereby given the Government is infinitesimal, and it is not, therefore, on that broad ground that I especially urge the justice of this amendment. I do think, however, that if we can take away from a State its taxable assets in the way of water power, we can likewise take away from a State its taxable assets in the way of mines and manufacturing.

Many counties in this country have been impoverished and are to-day on the verge of bankruptcy because of the fact that the Government has bought blocks of thousands of acres of land in these counties which lands are tax free. Only a short time ago this body passed a road law, as I recall, for the benefit of the State of Nevada, providing that the Government should contribute its part toward the building of public roads through huge Government reservations. The statement was made on the floor of the Senate that without this assistance the State could not construct the roads.

This doctrine is somewhat new and novel; but, in view of the direction in which we are trending, sooner or later it must be met. For that reason I have offered this amendment, and expect to present it on every occasion where the opportunity affords. The law-making body of this Government, in my judgment, sooner or later must reach a conclusion on this question which is just. While it is not claimed to be right for the Government to pay State taxes upon its post offices, yet if the Government advances a step further and seizes an asset of the State or the locality and sells power for private distribution, then this advanced step makes it necessary and right that the State shall receive from the Government an amount equal to the taxes which would be imposed upon private companies. Whether this amendment is adopted or not, sooner or later we must get to that point if the Government does construct power plants on water sites and engage in the business of selling power for private consumption.

This amendment is offered with the belief that if the Government uses a State's natural asset for the purpose of supplying power to sell to and enrich the general public, simple and natural justice requires and demands that the State in which the business is located shall not on this account be deprived of taxes needful for the construction of schools, for the building of roads, for the maintenance of public order, and for the general expenses of organized society.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. HAYDEN. Does it not occur to the Senator that those who advocate Government ownership of power plants should welcome this amendment, rather than repel it?

Mr. BLACK. It seems to me that those who believe in the Government operation of power plants would be interested in thus striking down one of the arguments which is most persistently presented against the construction by the Government of power plants and the sale of power. It is an argument which, in my judgment, refers to a matter which is small in comparison with the assets and the receipts of business, yet it looms large in all the arguments which are presented anywhere against the operation by the Government of power plants.

For that reason I am of the opinion that those who believe that the Government should build power plants and generate power should welcome this as taking away an argument which heretofore has proven very effective against their idea of governmental operation of business.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK] to the amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. JOHNSON. Mr. President, there were a couple of amendments offered yesterday by the Senator from Arizona, and I invite the attention of the Senators from that State so that we may, I think, dispose of the amendments very readily. The first amendment to which I refer is that presented by the senior Senator from Arizona last night relating to section 10, found upon page 16.

I understand it will be satisfactory to the Senators from Arizona if there be stricken from that section line 22, and the first three words on line 23, "districts and also." I agree to strike out that particular portion beginning with line 22, to strike out all of line 22, and the first three words of line 23. The amendment, I understand, will then be withdrawn.

Mr. HAYDEN. The effect of that amendment, Mr. President, would be that the section as it remains would provide that nothing could be done to disturb the existing contract between the Secretary of the Interior and the Imperial irrigation district, but the district might enter into contracts with the Secretary for construction of the all-American canal. It eliminates the objection which was made on the Yuma reclamation project in Arizona, that the contracts might be modified without the consent of the Imperial irrigation district. I sincerely trust the amendment will be adopted if the Senator offers it.

Mr. JOHNSON. I ask that I may be permitted to strike out the words I have just indicated.

The PRESIDING OFFICER. Does the Senator from Arizona accept the amendment offered by the Senator from California?

Mr. HAYDEN. I accept it.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the substitute amendment, which will be stated.

The CHIEF CLERK. On page 16, line 22, to strike out the words "to modify the said contract, with the consent of the said district, and also."

The amendment to the substitute amendment was agreed to.

Mr. JOHNSON. I understand now that the amendment of the Senator from Arizona is withdrawn?

Mr. HAYDEN. Yes.

Mr. JOHNSON. All right. The Senator from Arizona had another amendment. Has he it before him?

Mr. HAYDEN. I have.

Mr. JOHNSON. Is that the amendment upon page 12?

Mr. HAYDEN. Page 12, line 19.

Mr. JOHNSON. Will the Senator state, please, how he is willing to modify that amendment?

Mr. HAYDEN. The proposal I made yesterday, Mr. President, was that the Laguna Dam and the all-American canal, down to and including Siphon Drop, should remain under the ownership of the United States. I have provided for that by a separate proviso. The suggestion has been made that, instead of following that procedure, on page 12, line 19, after the word "structures," we should insert the words "except the Laguna Dam and the main canal and appurtenant structures down to and including Siphon Drop." The adoption of the language I have just suggested will accomplish the purpose of my amendment as offered yesterday.

Mr. JOHNSON. I accept that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 12, line 19, after the word "structures," to insert the following words, "except the Laguna Dam and the main canal and appurtenant structures down to and including Siphon Drop."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JOHNSON. The amendment, then, that was the subject of discussion yesterday is withdrawn by the Senator from Arizona?

Mr. HAYDEN. Yes. In fact, it never has been offered.

Mr. JOHNSON. Were there any other amendments the Senator from Arizona had? I see the senior Senator from Arizona is now here.

Mr. ASHURST. The amendment No. 35, which I proposed last evening, has been disposed of satisfactorily.

Mr. JOHNSON. On that amendment we have just agreed, subject, of course, to the approval of the proponent of the amendment, on page 16, to strike out of section 10 all of line 22 and the first three words, "district and also," in line 23.

Mr. ASHURST. That is satisfactory.

Mr. JOHNSON. That has been done. Then I ask whether the Senator withdraws his amendment.

Mr. ASHURST. I, of course, formally withdraw the amendment which I offered last evening, which is amendment No. 35.

Mr. JOHNSON. I think the Senator from Arizona had some other amendments.

Mr. ASHURST. The junior Senator has.

Mr. HAYDEN. I desire to offer an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 17, after line 2, insert a new section, as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

Mr. JOHNSON. I appeal to the Senator from Arizona not to press the amendment on this bill. It is a most unfortunate thing to put a new project into the bill at this time.

Mr. HAYDEN. If the Senator will listen to me a moment, I think he will understand what I am seeking to accomplish. In that connection, I would like to direct attention—

Mr. JOHNSON. I simply made the suggestion. I withdraw the appeal.

Mr. HAYDEN. I would like to have the attention of the Senator from Washington [Mr. JONES]. The Senator from Washington and his colleague will remember that on last Monday the Senate passed an act authorizing engineering investigations to determine the feasibility of the Columbia Basin project in the State of Washington. The amendment I have just offered is modeled as closely as is possible upon the legislation which the Senate passed on last Monday.

Mr. President, my object in offering this amendment I can make clear in a very few moments. There will be impounded in the great dam to be constructed at Boulder Canyon on the average about nine and a half million acre-feet of water, and this bill contemplates the use within the United States of about five and a half million acre-feet of that water, four and a half million acre-feet for the irrigation of lands in California, and a million acre-feet for domestic use, leaving a very large volume of water to go to waste in Mexico, unless some use is made of it in the United States.

We have in the bill provided that the water should be used exclusively in the United States, but a means must be found whereby to use it. The object and purpose of my amendment is merely to authorize the Secretary of the Interior in the future to make studies of irrigation development that has attracted great attention in the State of Arizona.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FESS. I think the purpose of the Senator is justifiable, of course, but does he not think that if we take this step here, it opens up the way for further suggestions, and will load the bill down with questionable burdens? It would seem to me that with the machinery we have for reclamation we ought not to seek to do this in connection with this bill.

Mr. HAYDEN. The Senator from Ohio I know wants to do what is for the best interests of the United States of America.

Mr. FESS. Certainly.

Mr. HAYDEN. He does not want a volume of water impounded in a great dam, and then an arrangement made whereby that water will flow uninterruptedly into old Mexico and be placed to beneficial use to such an extent that in time to come the United States can not use it.

Mr. FESS. Would it not be better to make that a subsequent operation?

Mr. HAYDEN. On the contrary, I think it very essential that it be done now. It is in line with the recommendations of the seven governors of the States in this basin, who said in a formal resolution read to the Senate by the Senator from Utah that direct notice should be given to the Republic of Mexico that the waters of the Colorado River thus impounded would be used in the United States. This is in effect notice. The bill takes care of a little over half of the water. This is notice that the United States is pursuing a diligent course in determining



where the remainder of the water impounded on American soil, at the expense of the American Government, may be used.

Mr. FESS. The statement of the Senator would be an assurance that there would be consideration given later, but why should we load this bill down with this matter?

Mr. HAYDEN. It is not loading the bill down; it is simply providing in the bill for the complete utilization of the works to be constructed under it. Otherwise the bill is perfectly silent upon that subject. The bill provides for the construction of a great dam and then provides for the construction of the all-American canal in California, which would irrigate, under its entire scope, about 735,000 acres of land. That quantity of land will not utilize all the water impounded to-day, so what is to become of the remainder of the water?

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. PHIPPS. I will speak either in my own time or in the Senator's time, as circumstances may indicate to be best.

While I have no doubt that the Parker proposition is meritorious and should have consideration, I must say that in my opinion it is not proper to interject it into this piece of legislation. The Senator must remember that this bill will have to have consideration by the House, and I fear that we are going to have a sufficient number of matters to iron out with the representatives of that body without adding to them now.

The Columbia River basin recommendation was not made by the committee nor could a bill be passed here until very large expenditures had been made by the State and by individuals of the State of Washington to determine what the possibilities of the Columbia basin project might be. In fact, the bill came from the committee in such form that personally I had to object and to insist on limiting the authorization to the purposes of the investigation rather than the adoption of a project to which I am favorable.

I would say to the Senator that it would be a very simple matter to treat that question in an independent bill or resolution which the Committee on Irrigation and Reclamation, of which I have the honor to be chairman at the moment, will certainly give prompt and careful consideration and, I believe, favorable consideration from what I know of the situation with respect to the land. But I think it would be inadvisable to attach an amendment of that nature to the bill. It would only add to our difficulties and troubles. I assure the Senator that personally, I will do what I can to have the proposition given most careful and, if possible, favorable consideration by the committee, assuming that I am chairman at the time or a member.

Mr. HAYDEN. What the Senator from Arizona seeks to do is to paint a complete picture here. We can not do it when we only provide in the legislation for the use of a little over one-half of the water impounded.

Mr. PHIPPS. I submit there is ample time in which to prepare for that.

Mr. HAYDEN. Mr. President, may I reserve the balance of my time?

The PRESIDING OFFICER. The Senator has five minutes remaining.

Mr. HAYDEN. I reserve the balance of my time.

Mr. DILL. Mr. President, the bill provides for the irrigation of additional lands in California. The proponents of the bill, and particularly those from California who want the lands of Imperial Valley irrigated, did not go to the Committee on Irrigation and Reclamation of the Senate to get a provision in the bill as such, separate and apart, but they provided in the bill for the irrigation of lands in California. I can not understand why it is proper to provide for the irrigation of additional lands in California and not provide at least for studies and investigations later relating to the irrigation of lands in Arizona.

I have not voted with the Arizona Senators on many of their amendments, but I think the Senate ought to be fair to Arizona. The waters that flow over this dam will be largely waters that come down from the north and a large part of them from the State of Arizona. This is a proposal to cause the Secretary of the Interior, who will have charge of the building of the dam, who will have charge of the building of the all-American canal for the irrigation of lands in California, to study the possibilities of irrigating additional lands in Arizona, all a part of the same project. There would not be any possibility of irrigating those lands in Arizona that are proposed to be covered by this amendment if it were not for the proposal to build the dam. I, for one, want to be fair to the State of Arizona, so far as I can be without involving the principle of the building of the dam and the development of water power.

Mr. FESS. Mr. President, will the Senator yield?

Mr. DILL. Yes; I yield.

Mr. FESS. Does the Senator know whether this particular project has ever been recommended by the Department of the Interior or the Committee on Irrigation and Reclamation?

Mr. DILL. I understand it has not, and, so far as I know, neither has the all-American canal nor the irrigation of lands in Imperial Valley been recommended in a separate proposal.

Mr. FESS. The Senator knows that he and I think about the same way on a good many measures. I dislike very much to vote against a thing that might be worked, and yet I would not want to vote for it simply because some of the parties are using a situation to get favorable action when they have the opportunity. It appears to me it is hardly a rational method of legislation to put these projects on the pending bill.

Mr. DILL. Let me call the Senator's attention to another fact. The speed with which this project may be built and completed will depend in part upon the attitude of the State of Arizona. If Arizona is to give way, as her Senators have given way here in many of these proposals, we ought at least to show a spirit of fairness and say that we are willing to help the State of Arizona get something out of this dam, too. It seems to me that the placing of this provision in the bill is evidence that the Senate and the Congress as a whole desire to give Arizona the benefits that can be had from the impounding of this water as well as to give them to California. I can not see why it is improper to prepare for the irrigation of lands in Arizona from the waters that are impounded by this dam and still perfectly proper to take care of lands in California that could not be taken care of if it were not for the dam.

Mr. FESS. If the Senator will permit, it appears to me, and I think to the Senate, that Arizona has gotten a good deal out of this bill due to the tremendous influence and ability of the representatives from that State in this body. I think they have won pretty generally in their contentions. It seems to me hardly fair to say that they are making such a great sacrifice. I would be very glad to vote for the recommendation if it came in the regular way, so we would have the information, but I dislike very much to vote to load down a bill like this. If we do it in this case, why not do it in any other case?

Mr. DILL. I do not see how we are loading down the bill when we are simply providing for a method of use for this water. I want to say to the Senator from Ohio that as a member of the Committee on Irrigation and Reclamation I made a trip to Southern California and Arizona and into Old Mexico in studying the project. The one thing that impressed me with the claims of the citizens of Arizona was that the impounding of this water, which would necessarily flow into Old Mexico, because it could not be used by California, and the use of it in Mexico would result in claims on the part of Mexico to the permanent use of the water under the relations that exist between the countries with reference to the use of water. I was more bothered by that question than by any other.

Here is an opportunity to show the people of Arizona and to show the people of the country generally that we are protecting the States that seem to be entitled to the use of this water on the north side of the Mexican line rather than to allow it to flow across the line, and the right to attach there that certainly will attach by its use on the part of Mexico.

Mr. FESS. Does not the Senator agree with me that if the project is meritorious, a failure to put it on this bill will not result in its defeat but that it will come subsequently in the regular course of business?

Mr. DILL. It may come subsequently, but we are under some obligations, I think, to the people who live in that part of the United States. I come back again to the proposition that if we are going to take all irrigation proposals out of the bill, then we ought to take out that part which applies to California. Of course, I am not in favor of that. I want to leave the all-American canal in the bill, and I want to provide for the irrigation of California lands; but I also want to be fair to Arizona and provide that the Secretary of the Interior shall make an investigation looking to the use in Arizona of the surplus water not needed in California and to which Mexico should have no right. I hope the amendment of the Senator from Arizona will be adopted.

Mr. ASHURST. Mr. President, my colleague the junior Senator from Arizona [Mr. HAYDEN] has made a very able argument in support of this amendment. We are also grateful to the Senator from Washington [Mr. DILL] for his able although brief speech in support of the amendment. My colleague used a phrase that I must adopt. This amendment simply "completes the picture." This is not any excrescence of form. This is not an amendment which is not germane. This is an amendment proposed simply to carry out the natural and logical sequence and result of the bill.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. ASHURST. I yield, of course, to the Senator from New Mexico.

Mr. BRATTON. All that is contemplated is that the Secretary shall make a study of the proposed project.

Mr. ASHURST. Yes.

Mr. BRATTON. The only thing that can possibly be involved is the expense to be incurred in making that survey?

Mr. ASHURST. And this is only an authorization of the expense. We would have to appropriate the necessary sums of money later.

Mr. PHIPPS. Mr. President, if the Senator will pardon me, my understanding is that any such investigation must be paid for out of the reclamation fund at the disposal of the Department of the Interior; but that is a matter that I would not quibble about.

Mr. BRATTON. The only money that is involved is the expense of making the survey, regardless of whether it comes out of the reclamation fund or directly out of the Treasury.

Mr. PHIPPS. Yes. It might involve \$25,000 or \$150,000. We can not say in advance. For that reason I think the Committee on Irrigation and Reclamation should have an opportunity to have data before them as to the acreage and the possibilities, and so on. I think it should be taken up in the manner in which all requests for authorizations to investigate the possibilities of reclamation projects have been handled in the past rather than to be put on the bill in the form of an amendment offered on the floor of the Senate.

Mr. BRATTON. I agree with the Senator that probably it should be handled the other way; but we are approaching what seems to be a happy solution of a long drawn-out battle, and it occurs to me that we could well afford to put this amendment into the bill and let the Secretary make the investigation and secure data on the feasibility of the proposed project.

I appeal to the Senator from California to accept the amendment and let it go into the bill. It does not affect one State more than another. The expense comes out of the reclamation fund, in which the public-land States are jointly and similarly affected.

Mr. HAYDEN. If my colleague will permit me, I will point out one other fact. Any diversion dam constructed in the Colorado River for the irrigation of these lands in Arizona in which we are interested has one end in California, and I have yet to find anyone from California who knows the facts who is opposed to my amendment.

Mr. BRATTON. The item seems to me to be too small to delay action on the bill. I appeal to the Senator from California to forego his objection and let the amendment be adopted, and then let us press on with the bill.

Mr. JOHNSON. Mr. President, it is impossible, if the Senator is addressing me. I am sorry that is so. I would be glad to aid in this project, if it is a legitimate project, as I have no doubt it is, and to render such service as I could to pass a bill in respect to it; but it ought not to be a part of this measure. Certainly we ought not to have a part of the measure providing that appropriations in indefinite form may be made from time to time as may be essential.

Mr. BRATTON. I thank the Senator from Arizona for permitting me to use some of his time.

Mr. JONES. Mr. President—

Mr. ASHURST. I yield to the Senator from Washington.

Mr. JONES. May I suggest to the Senator from California that these appropriations made from time to time are to carry on a survey and not to carry on the actual project. It merely authorizes appropriations from time to time to carry on the survey.

Mr. BRATTON. That is what I was trying to point out to the Senator from California.

Mr. JOHNSON. To carry on surveys, investigations, and the like.

Mr. JONES. Yes; but not the construction of the project.

Mr. JOHNSON. No, I do not mean that; I did not intend to convey that it was to carry on the construction.

Mr. BRATTON. The cost of investigation will be so small that we can not afford to delay.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I have only a few minutes left, but I yield.

Mr. JOHNSON. No; I will not take the Senator's time. He may proceed.

Mr. ASHURST. Mr. President, it has been pointed out several times that this amendment is to authorize an appropriation, to give the Secretary of the Interior power and authority to investigate as to the feasibility of this Parker project. I do not wish to be dogmatic, but I do assert that this project, the feasibility of which is proposed to be investigated, is necessary—

a logical thing and a physical necessity. To authorize the Boulder Canyon project without taking into consideration the Parker-Gila project would be just like Apollo with a front tooth out. You can not build the Boulder project and have it symmetrical and useful and employ all the agencies of water and power and land unless and until the Parker-Gila project shall be incorporated.

This amendment provides only, as I have stated, for an authorization. There has been a suggestion here—and I do not mean to be offensive—that it looks as though Arizona is attempting to get something "while the getting is good." We disclaim that the amendment improves this bill.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield.

Mr. SHORTRIDGE. The Senator apparently has overlooked section 14 of the bill.

Mr. ASHURST. Will the Senator read it for my edification? Mr. SHORTRIDGE. That section gives full authority to the Secretary of the Interior to do what the Senator is now asking for.

Mr. ASHURST. I shall be glad to listen to the Senator from California read the section.

Mr. KING. Let me say to the Senator from California, if the Senator from Arizona will yield to me for that purpose, that section 14 does not specify this project at all. It proposes to appropriate \$250,000 out of this fund—not out of the reclamation fund—for the purpose of making an investigation as to the potentialities of the entire river. It is not for the purpose of investigating per se the Parker-Gila project.

Mr. SHORTRIDGE. The section reads—

Mr. ASHURST. I have only a couple of minutes remaining, but I will ask the Senator from California to read the section.

Mr. SHORTRIDGE. The section reads as follows:

The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Wyoming for the purpose of making such information available to said States and to the Congress, and of formulating a comprehensive scheme of head-water control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of \$250,000 is hereby authorized to be appropriated from said Colorado River Dam fund, created by section 2 of this act, for such purposes.

If that is not ample authority, I would be glad to have the learning of the Senator from Arizona suggest other words.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. HAYDEN] to the substitute amendment.

Mr. ASHURST. That amendment is so important that I must ask for the yeas and nays thereon.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McMaster	Smith
Barkley	George	McNary	Steck
Bayard	Gerry	Moses	Steiwer
Bingham	Glass	Neely	Stephens
Black	Goff	Norris	Swanson
Blaine	Hale	Nye	Thomas, Idaho
Bleas	Harris	Oddie	Thomas, Okla.
Borah	Harrison	Overman	Trammell
Bratton	Hastings	Phipps	Tyson
Brookhart	Hawes	Pittman	Vandenberg
Broussard	Hayden	Ransdell	Wagner
Capper	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	Keyes	Schall	Watson
Edge	King	Sheppard	Wheeler
Fess	La Follette	Shortridge	
Fletcher	McKellar	Simmons	

Mr. COUZENS. I desire to announce that the Senator from Oklahoma [Mr. PINE] is absent on business of the Senate in attendance upon the Committee on Interstate Commerce.

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment.

Mr. ASHURST. On that I request the yeas and nays.

Mr. ODDIE. Mr. President, I ask permission to ask a question of the junior Senator from Arizona before the roll is called.

The PRESIDING OFFICER. The Senator from Nevada is recognized.



Mr. ODDIE. Mr. President, I should like to ask the junior Senator from Arizona what the effect of the adoption of this amendment would be on possible action by the Legislature of Arizona in ratifying the 7-State compact, assuming that the bill shall pass?

Mr. HAYDEN. Mr. President, under the terms of this bill, there must be within six months a 7-State ratification of the Colorado River compact, which means that the Arizona Legislature, which will convene in January, will be called upon to pass upon that question. The ratification of the compact and the construction of the proposed project, as everyone knows, are very much involved together. Certainly it would be helpful to be able to say to the Legislature of the State of Arizona that, instead of Congress having passed a wholly California measure—that is, a measure which provides for the generation or enormous quantities of hydroelectric power to be used in California and which authorizes the construction of a canal for the irrigation of lands in California—in addition thereto Congress has authorized investigations looking to the use of the \$2,800,000 acre-feet of water from the main stream of the Colorado River allocated to Arizona. There can be no question but that it would have a powerful effect in the State of Arizona and upon the legislature of that State in connection with the consideration and approval of the Colorado River compact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment.

Mr. PHIPPS. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 17, after line 2, it is proposed to insert a new section, as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project, and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sum of money as may be necessary for the aforesaid purpose from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from Rhode Island [Mr. METCALF] and will vote. I vote "nay."

Mr. HARRISON (when his name was called). On this question I am paired with the senior Senator from South Dakota [Mr. NORBECK] and withhold my vote.

The roll call was concluded.

Mr. McMASTER. My colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that on this question the Senator from New York [Mr. COPELAND] is paired with the Senator from New Jersey [Mr. EDWARDS], and the Senator from Arkansas [Mr. CARAWAY] is paired with the Senator from Vermont [Mr. GREENE].

The result was announced—yeas 45, nays 29, as follows:

#### YEAS—45

Ashurst	Glass	Oddie	Stephens
Barkley	Goff	Overman	Swanson
Bingham	Hale	Pine	Thomas, Okla.
Black	Hawes	Pittman	Trammell
Blease	Hayden	Ransdell	Tyson
Bratton	Heflin	Reed, Mo.	Wagner
Broussard	Jones	Robinson, Ark.	Walsh, Mass.
Couzens	Kendrick	Sheppard	Walsh, Mont.
Dill	McKellar	Simmons	Wheeler
Fletcher	Moses	Smith	
George	Neely	Steck	
Gerry	Norris	Steinwer	

#### NAYS—29

Bayard	Fess	McNary	Thomas, Idaho
Blaine	Frazier	Nye	Vandenberg
Borah	Glenn	Phipps	Warren
Brookhart	Harris	Reed, Pa.	Waterman
Capper	Hastings	Robinson, Ind.	Watson
Curtis	Johnson	Sackett	
Deneen	La Follette	Schall	
Edge	McMaster	Shortridge	

#### NOT VOTING—21

Bruce	Gould	Larrazolo	Shipstead
Caraway	Greene	Locher	Smoot
Copeland	Harrison	McLean	Tydings
Fale	Howell	Mayfield	
Edwards	Keyes	Metcalf	
Gillett	King	Norbeck	

So Mr. HAYDEN's amendment to the substitute amendment was agreed to.

Mr. PITTMAN obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield for just a moment?

Mr. PITTMAN. Certainly.

Mr. JOHNSON. We have now concluded, have we not, the amendments of the Senators from Arizona?

Mr. HAYDEN. If I offer amendments they will be of a minor, perfecting nature. I have no major propositions to present.

Mr. PITTMAN. Mr. President, there are two important amendments remaining unconsidered, dealing with this whole project.

It has been understood that the cost of building the all-American canal will not be imposed as an obligation on the revenues derived from the power developed at the power house at the Boulder or Black Canyon Dam. I desire now to offer an amendment which will make that entirely clear. Although the bill already has a provision of that kind, it is not as yet sufficiently definite.

I therefore offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 13, after the word "law," it is proposed to insert:

and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy at the dam authorized to be constructed at said Black Canyon or Boulder Canyon, or for water for potable purposes outside of the Imperial and Coachella Valleys.

Mr. PITTMAN. Mr. President, I will state that I have been in consultation with representatives of the Imperial Valley and also with representatives of Los Angeles; and with the insertion of the words which have been read, that this cost will not be taxed against the power created by the dam at Boulder Canyon or Black Canyon, I know of no opposition.

Mr. JOHNSON. May I inquire whether that is satisfactory to the gentlemen with whom the Senator has conferred?

Mr. PITTMAN. It is; and I included in it the amendment they have just suggested, limiting it to the hydroelectric energy created at the power house at the dam at Black or Boulder Canyon.

Mr. JOHNSON. And, as amended, it is satisfactory to them?

Mr. PITTMAN. Yes, sir.

Mr. JOHNSON. I have no objection; and so far as I am able I accept the amendment, then.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I have another amendment in line with that.

On page 2, at the end of line 15, after the word "purposes," I desire to insert the words "in the Imperial or Coachella Valleys."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 15, after the word "purposes," it is proposed to insert "in the Imperial or Coachella Valleys."

Mr. PITTMAN. So that that paragraph will then read as follows:

That no charge shall be made for water or for the use, storage, or delivery of water for irrigation or water for potable purposes in the Imperial or Coachella Valleys.

I will state that originally I entered a motion to strike out that whole proviso. However, as the representatives of Imperial Valley desired to stay in, and are willing to limit its effects entirely to that valley, I defer to their wishes.

Mr. JOHNSON. I have no objection to the amendment that is suggested.

Mr. KING. Mr. President, may I inquire of the Senator from Nevada whether that is similar to the amendment which was offered yesterday? I have just entered the Chamber, and did not hear the entire statement of the Senator. The purpose, as I understand, of the amendment, is to relieve Imperial Valley from any charges whatever, except such as would be imposed under the reclamation act.

Mr. PITTMAN. That is the opinion of the representatives of Imperial Valley, and that is the reason why it is put in that

form. They feel that in some way that paragraph is more in harmony with the reclamation act. There is some doubt in my mind as to that; but, as they are willing to limit its effect entirely to their own valley, it is not a matter of such great concern to me.

Mr. KING. Let me ask the Senator, in my own time, if he does not have the time, whether in his opinion the new lands which it is expected will be brought under cultivation in the Coachella or Imperial Valleys ought to be exempted from contribution to the construction of the dam?

Mr. PITTMAN. There is no charge in this bill whatever on the Imperial Valley land or the Coachella Valley land for the construction of the dam or power house.

Mr. KING. I know that, but inquire whether the Senator believes the users of water should exempt. Under the reclamation projects, as the Senator knows, those who make contracts for the purchase of land or the purchase of water are required to pay for both water and the construction of canals and dams, and the amount which they pay includes all of the expenses of the Government. Here we are asking the settlers to pay only for the canal, and exempting them from paying anything whatever toward the construction of the dam.

Mr. PITTMAN. I admit this is an exception to the practice under the reclamation act in that it relieves this land from the payment of any part of the cost of the dam. It simply limits it to the cost of the canal. In this particular case the Senate has allocated \$25,000,000 toward the cost of the dam. It is true that the \$25,000,000 must be paid back, but the payment may be postponed until the end of the period of amortization. I think that in view of the fact that this dam has to be built for flood-control purposes, and in view of such allocation, we should exempt those lands in Imperial Valley from the payment of any part of the cost of that dam.

Mr. KING. Then it is apparent that the residents of Imperial Valley will have the benefits of flood control, storage water, the certainty of getting an equated flow, and will be required to pay for nothing except the cost of the all-American canal.

Mr. PITTMAN. That is the fact; but I think the circumstances warrant it.

Mr. KING. Does the Senator think there should be no distinction between those who have vested rights, who have already appropriated water in the Imperial Valley, and those who have no vested rights, and have never appropriated any water?

Mr. PITTMAN. No; I do not think we can have a successful reclamation project if we attempt to draw that distinction, because undoubtedly even those with the vested rights will have to pay a part of this cost if the Government is to be repaid—

Mr. KING. Does this bill attempt to award to the Imperial Valley any portion of the water which, under the tri-State agreement, might be allocated to California?

Mr. PITTMAN. This provision has no reference whatever to any allocation of water.

Mr. KING. Does the Senator think this bill ought to go into operation until and unless the water users of the Imperial Valley, speaking through their municipal or corporate authorities, shall consent to the terms of the compact?

Mr. PITTMAN. I do not think the reclamation district has anything to do with a tri-State compact.

Mr. KING. I agree with the Senator entirely. I am not referring to the tri-State compact but to the Santa Fe compact. I am trying to ascertain whether the Imperial Valley may not make a claim for a large quantity of water, which, together with that which is claimed by California for other purposes, and in other parts of the State, might exceed the quantity which might be allocated to California.

Mr. PITTMAN. I concede that is possible, because if the State of California makes the ratification that is provided it limits the amount of water that can be taken into that State out of the river to 4,400,000 acre-feet, and there is only a small portion of that at the present time that has been appropriated in the Imperial Valley.

Mr. KING. Does the Senator think that the State can speak for vested rights in the Imperial Valley and limit the amount which is to be allocated?

Mr. PITTMAN. No; it could not speak for them; but it could speak for the surplus between that and the 4,400,000 acre-feet, and that is a great deal.

Mr. KING. I think the last statement is correct. I desire to be sure that we are not to be embarrassed in the future by demands from the Imperial Valley that her rights, by prior appropriation or otherwise, are so great as to require a larger amount than the other users or proposed users of water in

California might be willing to concede, because it might diminish the amount allocated to the coastal cities to a point below their necessities, or their claimed necessities.

Mr. PITTMAN. I think it would only be a controversy between residents of the State of California.

Mr. KING. If it could be limited to a controversy between residents of California, that would be all right; but controversies or claims that in any manner might jeopardize the rights of the upper States or of Arizona should be avoided. If Imperial Valley claims more than is conceded by the other California interests, her inhabitants might make demands for additional water from Arizona or Nevada or the upper States. We must be assured that Imperial Valley will be cared for from the quantity of water granted to California and may never seek an additional amount from other States.

Mr. PITTMAN. Personally, I see no chance of that under the amendment we have already adopted limiting their authority to 4,400,000 acre-feet.

Mr. KING. But, as I understand, that limitation of 4,400,000 acre-feet exists only in the event of a 6-State compact, not a 7-State compact. We hope, of course, that there will be a 7-State compact, because, if not, the upper States will not be fully protected.

Mr. PITTMAN. But now, under the so-called Hayden amendment, there is exactly the same apportionment of the water.

Mr. KING. Assuming that that shall be accepted by California and Arizona?

Mr. PITTMAN. Exactly.

Mr. KING. But, of course, we may not coerce either of those States into an acceptance of the so-called Hayden-Pittman amendment.

Mr. PITTMAN. If there is a 7-State compact, it will be in accordance with the treaty which the Senate consented to, which gives the same amount of water to California that she would get under a 6-State compact, and it provides also that the 6-State compact ratification holds, unless all three of those States do ratify.

Mr. KING. I concede that.

Mr. PITTMAN. I ask for a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Now, Mr. President, in order to make the bill harmonious, having segregated the all-American canal, the reclamation project, from the Boulder Dam, the Black Canyon Dam, and the power-house project, it is essential to make subdivision (b) in section 4, on page 5, conform to that.

Mr. KING. Will not the Senator state that again?

Mr. PITTMAN. I say that having separated the building of the all-American canal from the rest of the project, in other words, the building of the dam and the power house, it is also essential to make section (b) harmonious with that action. Subdivision (b) provides that no appropriation may be made and no construction started until the Secretary has by contract been assured of the payment for the construction not only of the dam and power house, but of the canal. Therefore, a delay in obtaining contracts would hold up the other. So, having separated the projects, we now have to take up subdivision (b), which reads as follows:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon, made reimbursable under this act.

That would mean that the \$165,000,000 provided in subdivision (b), section 2, must be assured of repayment by contract before any work would start.

The dam and the power house are to be paid for out of revenue derived from the sale of power at the power house. The all-American canal is to be paid for, under the terms of the reclamation act, by the lands to be benefited by that irrigation. Consequently, I have separated that section, and I have offered the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 5, strike out all of subdivision (b) and insert the following:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the



Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Mr. PITTMAN. That, I take it, is exactly the same as the proposed section, except that I have placed in it provision for the dam and power.

Mr. JOHNSON. I have no objection to the amendment.

Mr. KING. Mr. President, I want to ask the Senator, because it would be a limitation or modification of this, if he has offered, or intends to offer, the provision that the power shall be upon a competitive basis?

Mr. PITTMAN. Not yet; that is another question.

Mr. KING. That will be offered.

Mr. PITTMAN. After this is adopted, I want to offer another one dealing purely with the canal.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. PITTMAN. Now I offer an amendment just exactly the same as the other, dealing with the repayment of money expended on the all-American canal.

The VICE PRESIDENT. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. Insert at the bottom of page 5 the following:

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

Mr. JOHNSON. As I followed the reading—and the Senator can confirm my view in that regard—lines 7, 8, and 9, concluding with the words "reclamation act," were omitted from the original amendment which he presented.

Mr. PITTMAN. Yes; commencing with the word "otherwise," on line 6. The Senator includes "for." The part stricken out starts on line 6 with the word and goes through the word "act," on line 9.

Mr. JOHNSON. Yes.

Mr. PITTMAN. Of course, I inserted the word "law" in the thirteenth line instead of "act."

Mr. JOHNSON. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. WATERMAN. Mr. President, some days ago the junior Senator from Arizona [Mr. HAYDEN] paid a glowing and merited tribute to a distinguished citizen of my State who was a member of the Colorado River Commission, Delph E. Carpenter. I had intended to discuss some of the phases which have arisen in connection with the progress of the pending legislation, but it seems to me that I should suppress any purpose I might have. Instead I now ask that a report and supplemental report made by Mr. Carpenter to the Governor and the Legislature of Colorado, which had great influence in bringing about the ratification of the so-called 7-State compact by my State, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The report and supplemental report are as follows:

Report and supplemental report of Delph E. Carpenter, commissioner for Colorado, on the Colorado River Commission, 1923, with copy of the compact; also the historical memorandum and brief of the law respecting interstate compacts submitted to the Judiciary Committee of the House of Representatives, Sixty-seventh Congress, first session, at the hearing on June 4, 1921, in re H. R. 6821

(On same subject see Hearings in re H. R. 6821, Judiciary Committee, House of Representatives, June 4, 1921, serial 6, Sixty-seventh Congress, first session; extended remarks with attached memoranda, letters, etc., of Hon. CARL HAYDEN, of Arizona, before the House of Representatives, Sixty-seventh Congress, fourth session, CONGRESSIONAL RECORD of January 30, 1923.)

REPORT OF DELPH E. CARPENTER, COMMISSIONER FOR COLORADO, COLORADO RIVER COMMISSION, IN RE COLORADO RIVER COMPACT

DENVER, COLO., December 15, 1922.

HON. OLIVER H. SHOUP,

Governor of Colorado, Capitol Building, Denver.

SIR: I have the honor to report that a compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming providing for the equitable division and apportionment of the use of the waters of the Colorado River was signed at Santa Fe, N. Mex., November 24, 1922, by the commissioners for said States and was approved by the Hon. Herbert Hoover, Secretary of Commerce, representative for the United States of America upon said commission.

I signed the compact as commissioner for the State of Colorado, by your appointment, under authority of chapter 246, Session Laws, 1921, and the commissioners for the other States acted under authority of similar legislation. The Hon. Herbert Hoover approved the compact, as the representative of the United States, under authority of the act of Congress approved August 19, 1921 (42 Stat. L. 171).

The compact was executed in a single original, which has been deposited in the archives of the Department of State of the United States, and a duly certified copy has been forwarded to the governor of each of the signatory States. It shall become binding and obligatory upon the signatories when approved by the legislature of each of said States and by the Congress of the United States.

I transmit herewith a copy of the compact. It provides in substance as follows:

"All territory within the United States of America, to which the waters of the Colorado River and its tributaries are or may be beneficially applied, is designated as 'the Colorado River Basin.' The drainage area of the river consists of two great natural subdivisions, viz., the upper region, located above the head of the great canyon, and the lower region below the great canyon (including the territory drained by the Gila, Little Colorado, and other lower tributaries). Lee Ferry is situated at the head of the canyon, in the State of Arizona, a few miles southerly from the intersection of the Colorado River with the boundary common to the States of Arizona and Utah, and is the natural point of demarcation between the upper region and the lower region.

"All waters of the entire river system within the upper region (including those returning to the river from irrigated lands) unite to form a single stream at Lees Ferry, where the flow may be measured and recorded.

"The compact conforms to this natural division. The upper region, plus all lands outside the drainage area which may be beneficially served by waters diverted from the river, is designated as the 'upper basin.' The lower region is designated as the 'lower basin.'

"The seven States are grouped into two political divisions. Colorado, New Mexico, Utah, and Wyoming constitute the 'States of the upper division.' The States of Arizona, California, and Nevada constitute the 'lower division.'

"Seven million five hundred thousand acre-feet, exclusive annual beneficial consumptive use, is set apart and apportioned in perpetuity to the upper basin and a like amount to the lower basin.

"Any waters necessary to supply lands in the Republic of Mexico (hereafter to be determined by international treaty) shall be supplied from the surplus flow of the river. If the surplus is not sufficient, any deficiency shall be borne equally by the upper basin and the lower basin.

"By reason of development upon the Gila River and the probable rapid future development incident to the necessary construction of flood works on the lower river, the lower basin is permitted to increase its development to the extent of an additional 1,000,000 acre-feet annual beneficial consumptive use before being authorized to call for a further apportionment of any surplus waters of the river.

"No further apportionment of surplus waters of the river shall occur within the next 40 years. At any time after 40 years, if the development in the upper basin has reached 7,500,000 acre-feet annual beneficial consumptive use or that of the lower basin has reached 8,500,000 acre-feet, any two States may call for a further apportionment of any surplus waters of the river, but such supplemental apportionment shall not affect the perpetual apportionment of 7,500,000 acre-feet made to each basin by this compact.

"The States of the upper division shall not cause the flow of the river at Lees Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years (7,500,000 acre-feet average annual flow over any 10-year period) if necessary for use in the lower basin. This is approximately 50 per cent of the river flow at Lees Ferry during the lowest 10-year period of which we have a record.

"Navigation is made subservient to all other uses. Power is made subservient to domestic and agricultural uses.

"State control of the appropriation, use, and disposition of water within each State is left undisturbed.

"Present perfected appropriations of water are not disturbed, but such rights take their water from the apportionment to the basin in which they are located.

"All future controversies between two or more States of each group are specifically reserved for separate consideration and adjustment by separate commissions or by direct legislation, whenever such questions may arise, if ever they do.

"Records of the river flow at Lees Ferry are under the control of the State engineers of the seven States and two representatives of the United States, but the authority of such officials terminates with the ascertainment and publication of the facts.

"The compact may be terminated at any time by the unanimous agreement of the signatory States."

#### FURTHER COMMENT

I take the liberty of offering the following observations:

The upper basin constitutes the principal source of the water supply. All waters returned to the river from irrigated lands within the upper basin will pass Lees Ferry and be measured as a part of the water to be delivered to the lower basin. The upper States guarantee somewhat less than one-half the average annual flow of the river (at Lees Ferry) during the 10-year period from 1902 to 1911, inclusive, which was the period of the lowest recorded river flow. All water, both natural and return flow, which passes Lees Ferry will be credited to the delivery by the upper States. There is no minimum or maximum requirement for any particular year. The compact is satisfied by an aggregate delivery of 75,000,000 acre-feet of water during any 10-year period.

The topography of the upper basin limits the extent to which each of the upper States may go in its development and its corresponding consumption of river flow. As the various tributaries leave Colorado and Wyoming they have already entered into deep canyons and their waters are not available for diversion in Utah. The Utah development will be confined to tributary streams and the waters of such are no longer available to Utah lands after they have entered the Green or Colorado Rivers. The waters of the San Juan are no longer available for diversion in Utah after they have served lands in Colorado and New Mexico. These natural limitations upon the use of the waters within each of the upper States will always afford ample assurance against undue encroachment upon the flow at Lees Ferry by any one of the four upper States. Colorado can not divert 5 per cent of its portion of the river flow to regions outside the river basin.

All development in Utah and New Mexico, requiring diversion from streams in Colorado, shall be subject to separate adjustment with Colorado before construction occurs.

The term "beneficial consumptive use" is to be distinguished from the amounts diverted from the river. It does not mean head-gates diversions. It means the amount of water consumed and lost to the river during uses of the water diverted. Generally speaking, it is the difference between the aggregate diverted and the aggregate return flow. It is the net loss occurring through beneficial uses.

The apportionment of 7,500,000 acre-feet exclusive annual beneficial consumptive use to the upper basin means that the territory of the upper basin may exhaust that much water from the flow in the stream each year. The aggregate annual diversions in the upper basin are unlimited. The limitation applies only to the amount consumed, and all waters which return to stream are not "consumed."

The apportionment to the upper territory is perpetual. It is in no manner affected by subsequent development. It is not required that the water shall be used within any prescribed period. Further development on the lower river will in no manner affect this apportionment or impair the right of the upper States to consume their apportionment whenever their necessities require. Any immense reservoir hereafter constructed on the lower river can not be the basis of a preferred claim which will interfere with the future development of the upper basin. The development in the lower basin will be confined to the apportionment made to that basin, with the permissible increase. Any excess of development can not infringe upon the reservation perpetually set apart to the upper territory. There can be no rivalry or contest of speed in the development of the two basins. Priority of development in the lower basin will give no preference of right as against the apportionment to the upper basin.

The 7,500,000 acre-feet annual beneficial consumptive use apportioned to each basin includes the water necessary to supply present perfected uses in each of the basins. Such present uses consume but a small part of the apportionments. By reason of a fear that further upper development might temporarily deplete the low flow of the river in the autumn and early winter of dry years, it is provided by Article VIII that present perfected appropriations upon the lower river shall not be precluded from protecting any such appropriations from encroachments upon their supplies until reservoirs have been constructed to store a definite part of the water apportioned to the lower basin.

There is no treaty between the United States and Mexico fixing any right in Mexico to the use of waters of the Colorado River. All such matters must depend upon future treaties. The compact provides that water, if any, necessary to supply the obligations of any such treaty shall be taken first from any surplus after meeting the apportionments—and right to increase—already made to the upper and lower basins. If the surplus is inadequate any deficiency shall be borne equally by the two basins.

If the time arrives when the development in either of the basins requires a supplemental apportionment—which probably will never occur—the water available for such purposes will be the surplus remaining after deducting the perpetual apportionments—and right to increase—now made plus any possible international burden. The supplemental apportionment will not disturb or impair the perpetual apportionment made by the present compact.

The repayment of the cost of the construction of necessary flood-control reservoirs for the protection of the lower river country probably will result in a forced development in the lower basin. For this reason a permissible additional development in the lower basin to the extent of a beneficial consumptive use of 1,000,000 acre-feet was recognized in order that any further apportionment of surplus waters might be altogether avoided or at least delayed to a very remote period. This right of additional development is not a final apportionment. This clause does not interfere with the apportionment to the upper basin or with the right of the States of the upper basin to ask for further apportionment by a subsequent commission.

The compact provides that the upper basin shall not be required to deliver any water to the lower basin which can not be beneficially applied to domestic and agricultural uses. Power claims will always be limited by the quantity of water necessary for domestic and agricultural purposes. The generation of power is made subservient to the preferred and dominant uses and shall not interfere with junior preferred uses in either basin.

Article VII, protecting the obligations of the United States to the Indian tribes, avoids necessity of conditional ratification of the compact by the Congress. Such rights are negligible and the apportionment to each basin includes all such necessary diversions.

Broadly speaking, from a Colorado viewpoint, the compact perpetually sets apart and withholds for the benefit of Colorado a preferred right to utilize the waters of the river within this State to the extent of our present and future necessities. It protects our development from adverse claims on account of any great reservoir or other construction on the lower river. It removes all excuses for embargoes upon our future development and leaves us free to develop our territory in the manner and at the times our necessities may require.

It affords me pleasure to call attention to the distinguished services of Ralph I. Meeker, engineering expert for the State of Colorado, whose comprehensive knowledge of the entire Colorado River Basin commanded the attention of the commission and facilitated its labors. I append hereto a table prepared by Mr. Meeker showing the estimated annual water supply of the Colorado River (including the amount at present consumed) and the disposition of such water by the compact.

I trust the compact will meet your favorable consideration, and I respectfully request that it be submitted to the legislature for its early approval.

Respectfully submitted.

DELPH E. CARPENTER,  
Commissioner for Colorado.

DENVER, COLO., December 15, 1922.

#### Physical data, Colorado River Basin

TABLE 1	Acre-feet
Estimated average annual water supply.....	20,500,000
Estimated average annual water consumption, 1921.....	7,000,000
Present unused surplus wasting to Pacific Ocean.....	13,500,000

TABLE 2	
Upper basin water supply.....	17,500,000
Lower basin water supply.....	3,000,000
Total water supply of basin.....	20,500,000

TABLE 3	
Present unused surplus wasting to Pacific Ocean.....	13,500,000
Estimated future water requirements, upper basin.....	5,000,000
Estimated future water requirements, lower basin (includes Gila).....	4,000,000
Estimated future water requirements.....	9,000,000
Approximate surplus.....	4,500,000

TABLE 4	
Estimated average annual water supply.....	20,500,000
Upper division allocation, includes present consumption.....	7,500,000
Lower division allocation, includes present consumption.....	7,500,000
Lower division permissible increase in water consumption.....	1,000,000
Total allocated or permitted.....	16,000,000
Unallotted surplus.....	4,500,000

TABLE 5	
Upper basin water allotment.....	7,500,000
Estimated present consumption, upper basin.....	2,500,000
Estimated future water requirements, upper basin, including transmountain diversions.....	5,000,000
	7,500,000



TABLE 6

COLORADO RIVER AREA IN THE STATE OF COLORADO (WESTERN SLOPE)	
	Acre-feet
Estimated average yearly water supply, western slope.....	12,100,000
Estimates present consumptive use per year on 859,000 acres irrigated land.....	1,100,000
Unused water passing out of Colorado, average yearly flow.....	11,000,000
Estimates future requirements all new lands western slope (1,500,000 acres) and future transmountain diversions.....	2,600,000
Average annual surplus water to main Colorado River.....	8,400,000

## COLORADO RIVER COMPACT

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America, approved August 19, 1921 (42 Stat. L., p. 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel, for the State of Arizona; W. F. McClure, for the State of California; Delph E. Carpenter, for the State of Colorado; J. G. Scrugham, for the State of Nevada; Stephen B. Davis, jr., for the State of New Mexico; R. E. Caldwell, for the State of Utah; Frank C. Emerson, for the State of Wyoming; who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

## ARTICLE I

The major purposes of this contract are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends the Colorado Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them, with the provision that further equitable apportionment may be made.

## ARTICLE II

As used in this compact—

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lees Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming, within and from which waters naturally drain into the Colorado River system above Lees Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lees Ferry.

(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah, within and from which waters naturally drain into the Colorado River system below Lees Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lees Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

## ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper

basin and the lower basin, and whenever necessary the States of the upper division shall deliver at the Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper basin will not cause the flow of the river at Lees Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and the lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

## ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

## ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio:

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lees Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

## ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the governors of the States affected, upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative actions of the interested States.

## ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

## ARTICLE VIII

Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this compact. Whenever

storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

## ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

## ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

## ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislature of each of the signatory States and by the Congress of the United States.

Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

(Signed)	W. S. NORVIEL.
(Signed)	W. F. MCCLURE.
(Signed)	DELPH E. CARPENTER.
(Signed)	J. G. SCRUGHAM.
(Signed)	STEPHEN B. DAVIS, Jr.
(Signed)	R. E. CALDWELL.
(Signed)	FRANK C. EMERSON.

Approved:

(Signed) HERBERT HOOVER.

# HISTORICAL MEMORANDUM IN RE COLORADO RIVER AND BRIEF OF LAW OF INTERSTATE COMPACTS

(Submitted by Delph E. Carpenter to Judiciary Committee, House of Representatives, 67th Cong., 1st sess., on June 4, 1921, at hearing in re H. R. 6821)

## HISTORICAL MEMORANDUM

The object of the pending legislation is to permit a settlement respecting the future utilization and disposition of the waters of the Colorado River, and of the streams tributary thereto, by compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

The object is to determine the respective rights of the States to the use and disposition of the waters of this great river prior to any further large construction or extensive utilization of these waters, in order that the rights of the States and the Government may be settled and determined in advance of construction and before interstate or other controversies may arise.

The pending bill was introduced pursuant to resolution adopted and signed by the governors of the seven States above named at Denver, Colo., May 10, 1921, wherein it is recited that each of the seven States whose territory includes in part the drainage of the Colorado River has already provided for adjustment respecting the future utilization and disposition of the waters of the stream and has appointed its commissioner to serve with commissioners from other interested States and with a commissioner to be appointed for the United States for this general purpose.

The resolution reads as follows:

"Whereas the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming have by appropriate legislation authorized the governors of said States to appoint commissioners representing said States for the purpose of entering into a compact or agreement between said States and between said States and the United States respecting the future utilization and disposition of the waters of the Colorado River and the streams tributary thereto; and

"Whereas the governors of said several States have named and appointed the commissioners contemplated by the legislative acts aforesaid: Now, therefore, be it

"Resolved, That the Congress of the United States be, and is hereby, requested to provide for the appointment of a commissioner on behalf

of the United States to act as a member of said commission; and be it further

"Resolved, That the proposed draft of a bill for presentation to Congress, a copy of which is hereto attached, be offered as a suggestion for legislation for the purposes aforesaid; and be it further

"Resolved, That Gov. Thomas E. Campbell, of Arizona, and the governors of the other States in the Colorado River Basin, or such representatives as they may severally designate, be and they hereby are, authorized to present his resolution to the President and to the Congress of the United States."

We, the undersigned, do hereby certify that the foregoing resolution was adopted by unanimous vote at a meeting of the Governors of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, held at the capitol at Denver, in the State of Colorado, on the 10th day of May, 1921.

THOMAS E. CAMPBELL,	Governor of Arizona.
WILLIAM D. STEPHENS,	Governor of California.
By W. F. MCCLURE,	State Engineer.
OLIVER H. SHOUP,	Governor of Colorado.
EMMET D. BOYLE,	Governor of Nevada.
MERRITT C. MECHAM,	Governor of New Mexico.
CHARLES R. MAYBEY,	Governor of Utah.
ROBERT D. CAREY,	Governor of Wyoming.

## HISTORY OF PROCEEDINGS BY COLORADO RIVER STATES LEADING TO INTERSTATE COMPACT LEGISLATION—COLORADO RIVER

## SALT LAKE CONFERENCE

JANUARY 18-21, 1919, a conference between the representatives of the seven Colorado River States, to wit, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, was called by the Governor of Utah for the purpose of discussing questions relating to the utilization of the water supplies of the Colorado River and its tributaries, and especially in connection with a law then proposed by Secretary Lane relating to soldiers' and sailors' settlement.

Hon. W. J. Spry, ex-Governor of Utah, present Commissioner of the General Land Office, presided over the meeting and was made permanent chairman of a continuing organization.

The other Colorado River Basin States above noted were represented. The meeting of the seven States resolved itself into a permanent organization to be known as The League of the Southwest.

As a result of the sessions the following resolutions, *inter alia*, were adopted:

"The history of irrigation throughout the world has shown that the greatest duty of water is had by first using it upon the upper reaches of the stream and continuing the use progressively downward. In other words, 'the water should first be captured and used while it is young,' for it can then be recaptured as it returns from the performance of its duties and thus be used over and over again.

"Attention is further directed to the fact that many of these irrigation projects, of a magnitude to be developed only by the Federal Government, can be properly carried on without interfering with smaller developments which should be undertaken by individual and corporate initiative, and we therefore urge upon the Interior and Agricultural Departments the adoption of a liberal and sympathetic policy in the granting of rights of way for reservoirs and ditches upon the public domain, where the same are essential to the development of such private projects.

"We further urge the liberal administration of all land laws of the United States looking to the end of placing the lands of the United States in the actual possession and occupation of its citizens in order that the citizens may have a home and that the lands may go upon the tax rolls of the various States in which they may be located in order that they may bear their just portion of the expense of State administration.

"Along the lines set forth in these resolutions, we pledge ourselves to a hearty cooperation with the representatives of the Federal Government in order that the desired end may be attained at the earliest possible moment consistent with a wise administration of the affairs of the Nation and of States.

"In the carrying out of all reclamation projects in which the Federal Government may become interested, its activities should ever be in conformity with the laws of the State in which the project under development is located. In the arid States of the West the irrigation projects undertaken by or with the aid of the Federal Government should in every instance be based upon a full compliance with the laws of the State wherein the projects are located so far as the appropriation of water and other matters of purely State control are concerned."



Subsequent meetings of the league were held at Los Angeles, where resolutions of a similar character were adopted.

#### DENVER CONFERENCE

A subsequent meeting of the league was held at Denver August 25-27, 1920, at which the desirability of encouraging the construction of large reservoirs in the canyon of the Colorado River for purposes of flood control, power, and irrigation was discussed, and at which the Director of the Reclamation Service assured the representatives of the seven States that the construction of such reservoirs need in no manner interfere with the future development of the upper reaches of the streams within the States of origin of the waters to be impounded by the reservoirs situate in the lower States.

The following resolutions were unanimously adopted:

"Be it resolved, That the resolution, adopted at the conference of the league, held at Salt Lake City, January 18-21, 1919, and the proceedings of the third convention of the League of the Southwest, held at Los Angeles, April 2-3, 1920, be, and the same are, hereby ratified, approved, and reaffirmed.

"Whereas it is the understanding of this league, from information presented by Hon. Arthur P. Davis, director of the United States Reclamation Service, that the water supply of the Colorado River drainage is sufficient to supply the present and future necessities of all of the States whose territory is involved and that all present and future interference with development upon or from the upper reaches of the stream should be avoided: Now, therefore, be it

"Resolved, That the league favors the early development of all possible beneficial uses of waters of the stream upon the upper reaches of the stream and its tributaries along the lines set forth in the resolutions adopted at the Salt Lake conference of January 28-31, 1919, and that the present and future restrictions upon such development by withholding or conditional granting of applications for rights of way across public lands for irrigation works should be discontinued and that such applications should be granted with that degree of dispatch which will permit the construction of all such projects while financial and other means are at hand and opportunity for construction exists: Be it further

"Resolved, That it is the sense of this conference that the present and future rights of the several States whose territory is in whole or in part included within the drainage area of the Colorado River, and the rights of the United States, to the use and benefit of the waters of said stream and its tributaries, should be settled and determined by compact or agreement between said States and the United States, with consent of Congress, and that the legislatures of said States be requested to authorize the appointment of a commissioner for each of said States for the purpose of entering into such compact or agreement for subsequent ratification and approval by the legislature of each State and the Congress of the United States."

Pursuant to the last-quoted resolution, and at the request of the Governor of Arizona, president of the League of the Southwest, bills were drawn and submitted to the legislatures of the seven States involved and were thereafter enacted by all of said States.

Each of said bills provide for the appointment of a commissioner for each of said States by the respective governors for the purpose of formulating the compact or agreement provided for by the concurrent legislation.

The legislation by each of the States also provided for a representative of the United States to act on behalf of the Federal Government in the formulation of the interstate compact or agreement.

Pursuant to the above legislation, the governors of each of the States have appointed their respective commissioners.

May 10, 1921, the governors of the seven States, or their duly accredited representatives, met at the city of Denver and there formulated resolutions calling upon the President of the United States and upon Congress to provide for the appointment of a representative for the United States in harmony with the above-mentioned legislation by the States, and directed that the resolution so formulated be laid before the President and Congress by the governors of the States. The resolution adopted by the governors at Denver was presented by the governors, or their duly accredited representatives, to the Secretary of the Interior, at Washington, May 17, and to the President of the United States, May 19, 1921.

#### BRIEF ON LAW OF INTERSTATE COMPACTS—POWERS OF STATES TO ENTER INTO COMPACTS

Compacts or agreements between the States are recognized by Article I, section 10, paragraph 3, of the Constitution of the United States, which provides:

"No State shall, without consent of Congress, \* \* \* enter into any agreement or compact with another State. \* \* \*

Interstate controversies and differences respecting boundaries, fisheries, etc., have been frequently settled by interstate compact.

Among the many boundary disputes so settled may be mentioned the following: Virginia and Pennsylvania, 1780 (11 Pet. 20); Virginia and Pennsylvania, 1784 (3 Dall. 425); Kentucky and Tennessee, 1820 (11 Pet. 207); Virginia and Tennessee, 1802 and 1856 (148 U. S. 503, 511, 516); Virginia and Maryland, 1785 (153 U. S. 155, 162).

Of the compacts between States respecting the taking of fish in rivers forming the boundary between the two disputant States may be mentioned Washington and Oregon, Columbia River; Maryland and Virginia, Potomac River (153 U. S. 155).

The States of New York and New Jersey settled their harbor differences by interstate compact.

While all compacts which would in any way involve the Federal Government or its jurisdiction, property, etc., must be made with consent or approval of Congress in order to be binding, it has been suggested by the Supreme Court that compacts made between two States respecting matters in which the States alone are interested might be taken as binding without consent or approval of Congress. (*Stearns v. Minnesota*, 179 U. S. 223, 245; *Virginia v. Tennessee*, 148 U. S. 503; *Wharton v. Wise*, 153 U. S. 155.)

For a full discussion respecting the rights of the States to enter into treaties or compacts, with consent of Congress, see *Rhode Island v. Massachusetts* (12 Pet. 657, 725-731).

In the case just cited the Supreme Court observed that when Congress has given its consent to two States to enter into a compact or agreement, "then the States were in this respect restored to their original inherent sovereignty; such consent, being the sole limitation imposed by the Constitution, when given, left the States as they were before, as held by this court in *Poole v. Fleeger* (11 Pet. 209); whereby their compacts became of binding force, and finally settled the boundary between them; operating with the same effect as a treaty between sovereign powers. That is, that the boundaries so established and fixed by compact between nations, become conclusive upon all the subjects and citizens thereof, and bind their rights, and are to be treated to all intents and purposes, as the true real boundaries. \* \* \* The construction of such a compact is a judicial question," for the United States Supreme Court. (12 Pet. 725.)

See also discussion of the same subject in *Stearns v. Minnesota* (179 U. S. 223); *Virginia v. Tennessee* (148 U. S. 503, 517-528); *Wharton v. Wise* (153 U. S. 155).

In other words, the States of the Union, by consent of Congress, have the same power to enter into compacts with each other as do independent nations, upon all matters not delegated to the Federal Government.

#### INTERNATIONAL RIVERS

Controversies respecting international rivers have been settled by treaty. (*Heffter Droit Ind.*, Appendix VIII; *Hall, International Law*, sec. 39.)

While the right of the United States to the use and benefit of the entire flow of the Rio Grande River irrespective of any former uses made in Mexico was upheld by the opinion of the Attorney General in 1895 (21 Ops. Atty. Gen. 274, 282), the rights of the two nations were settled by a "convention providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes" made May 21, 1906. (*Malloy, Treaties*, Vol. I, p. 1202.)

That the United States has a perfect right to divert the waters of the Colorado River at any point above the international boundary with Mexico irrespective of the effect of such diversion upon the flow of the river in Mexico or along that part of its course which forms the boundary between the two nations was held by the Attorney General, September 28, 1903. (*Rept. to Atty. Gen. of U. S., Colorado River in California*, p. 58; *Opinion of Atty. Gen.*, Aug. 20, 1919.)

The above opinion is in harmony with the decision in the Rio Grande case, wherein it was held (quoting from syllabus):

"The fact that there is not enough water in the Rio Grande for the use of the inhabitants of both countries for irrigation purposes does not give Mexico the right to subject the United States to the burden of arresting its development and of denying to its inhabitants the use of a provision which nature has supplied entirely within its territory. The recognition of such a right is entirely inconsistent with the sovereignty of the United States over its national domain.

"The rules, principles, and precedents of international law imposed no duty or obligation upon the United States of denying to its inhabitants the use of the water of that part of the Rio Grande lying entirely within the United States, although such use results in reducing the volume of water in the river below the point where it ceases to be entirely within the United States." (21 Ops. Atty. Gen. 274.)

For a full discussion of international rights upon the Colorado River, see appendix, pages 318-343, part 2, *Hearings Before Committee on Irrigation of Arid Lands*, House of Representatives, Sixty-sixth Congress, first session.

While by all rules of international law the upper nation is entitled to make full use of the waters of an international stream rising wholly within the borders of the upper nation, nevertheless such matters are usually settled by treaty in the same manner as the settlement between the United States and Mexico respecting the use and benefit of the waters of the Rio Grande (above cited), wherein it is provided for an "equitable apportionment" of the waters of the stream between the two Governments.

The rule of equitable apportionment applies to the settlement by the Supreme Court of controversies between States over rivers common

to two or more States of the Union. (*Kansas v. Colorado*, 206 U. S. 46, 117.)

This equitable apportionment of the waters of an interstate river may be made by one of two methods:

(1) By interstate "compact or agreement" between the States, by consent of Congress; and

(2) By suit between the States before the United States Supreme Court.

The latter method is the substitute, under our form of government, for war between the States. In other words, were it not for the provisions of our Constitution the States might settle their differences over interstate rivers by resort to arms. But by the terms of the Constitution the right to resort to settlement by force was surrendered, and in lieu thereof was substituted the right to submit interstate controversies to the Supreme Court in original proceedings between the States. (*Kansas v. Colorado*, 206 U. S. 46; *Rhode Island v. Massachusetts*, 12 Pet. 657.)

A suit between the States is but a substitute for war. It is the last resort, and should not be resorted to until all avenues of settlement by compact have been exhausted. It has been suggested that the Supreme Court should announce the principle that no suit between States would be entertained without a preliminary showing that reasonable efforts had been made by the complaining State to compose the differences between it and the defendant State by mutual agreement or interstate compact. It would appear that the rule of settlement by treaty of international disputes over rivers common to two nations should likewise apply to settlements of controversies present or possible, between States of the Union.

The object of the present legislation is to follow the international principle of settlement.

#### INTERSTATE COMPACTS RESPECTING USE OF WATERS OF INTERSTATE RIVERS

While, as we have already observed, various of the States have settled their controversies respecting boundaries, fisheries, etc., by interstate compact or by concurrent State legislation, having the same effect, this method of settlement of pending or threatened controversies respecting the use and distribution of the waters of interstate streams for irrigation and other beneficial purposes, has not been availed of. The right of adjoining States to the use and benefit of the waters of the streams common to both States has been considered by the court in the case of *Kansas v. Colorado* (185 U. S. 125; 206 U. S. 46), in which case it was held that the respective States were each entitled to an equitable portion of the waters of the common river, the extent of the use in each State to be determined upon the facts and circumstances of each particular case.

In the above-mentioned case the right of the United States to the use of the waters of the western streams was also considered and determined (pp. 87-93).

An equitable apportionment or allocation of the use and distribution of the waters of western interstate streams may be best accomplished through the efforts of the States represented by commissioners fully acquainted with the facts and the surrounding conditions, as well as with the future possibilities of use of water from the streams.

Principles of international law are applicable to the use and distribution of waters of interstate streams, and as regards compacts between the States, "the rule of decision is not to be collected from the decisions of either State, but is one, if we may so speak, of an international character." (*Marlett v. Silk*, 11 Pet. 1, 23.)

The rights of the nation in whose territory an international stream has its rise to the use and benefit of its waters for the development of its territory, irrespective of the effect upon the territory of a lower nation through which the stream passes on its way to the sea, were fully considered by Attorney General Judson Harmon with respect to the claims made by the Republic of Mexico to damage by depletion of the waters of the Rio Grande, occasioned by uses in the United States. After exhaustive consideration of the various authorities upon the subject, he arrived at the conclusion that, while the United States had the right to utilize the entire flow of the Rio Grande in the necessary reclamation of the lands near the source of the stream, and while "precedents of international law imposed no liability or obligation upon the United States" to permit any of the water of the stream to flow to El Paso, nevertheless he advised that the matter be treated as one of policy and settled by treaty with Mexico. (21 Ops. Atty. Gen. 274, 280-283.)

It is safe to predict that most of the past controversies respecting the waters of western interstate streams could have been avoided had the matters in dispute been first submitted to competent compact commissioners. Friction between the Federal departments and the State authorities should be avoided by proper compacts between the States before construction proceeds upon rivers where such controversies may arise.

The Colorado River is still "young," as regards utilization of its water supply. Conditions look to enormous development during the next quarter of a century. Nature facilitates an easy allocation and settlement of all matters pertaining to the future utilization of the waters of this stream, if means to that end are taken prior to further

construction and before friction develops. All apprehension of interference with the gradual and necessary future development upon the upper reaches of the stream by reason of earlier construction of enormous works on the lower river may be avoided by compact and agreement entered into prior to any future construction.

In fact, settlement of possible interstate controversies by interstate compacts is recommended by the United States Supreme Court. (*Washington v. Oregon*, 214 U. S. 205, 218.)

#### COMPACT BY "JOINT COMMISSION" BETWEEN STATES AND UNITED STATES

In another section we observe that the States, with consent of Congress, have full powers to make compacts with each other. Treaties between States are designated as agreements or compacts. (Art. I, sec. 10, par. 3, Constitution.)

The United States, in the exercise of its sovereign powers, may enter into compacts or agreements with one or more of the States, acting in their sovereign capacities.

The usual method of formulating such compacts or agreements, either between the States or between the States and the United States, is through the instrumentality of joint commissions thereunto duly constituted by legislative enactments and appointment by the executives of the State or the States and of the Nation. Such joint commissions are in all respects similar to the joint commissions constituted by separate governments for formulation of treaties between independent nations. The term does not refer to a joint commission consisting only of members of one sovereignty and created by joint action of two or more legislative branches, but refers to that character of commission formed by two independent powers for the purpose of joint action to a common end.

Of the available examples of settlements of controversies between the United States and one or more of the States through the instrumentality of joint commissions, the most convenient example is that of the attempts at settlement of the boundary between the United States and Texas. Here two joint commissions, duly constituted by the National and State Governments, sought to settle the boundary line. The history of these attempts is found in the reports of the United States Supreme Court in the case of *United States v. Texas* (143 U. S. 621; 162 U. S. 1).

Throughout the many pages of the reports covered by the decisions in this case, the representative of the Government of the United States, on the one hand, and that of the State of Texas on the other, are designated as commissioners, and the common agency for settlement of the controversy is designated as the joint commission or joint boundary commission.

Lest there be some question respecting the use of the term "joint commission" the following references to the opinions in the above case may be profitable:

By a treaty concluded August 25, 1838, between the United States and the Republic of Texas (8 Stat. 511) each of the contracting parties agreed to appoint "a commissioner" for the purpose of jointly agreeing upon the line between the two Republics.

By the act of June 5, 1858, chapter 92 (11 Stat. 310), enacted in harmony with the act of the Legislature of the State of Texas, February 11, 1854, it was provided that the President should appoint a representative to act in harmony with one from the State of Texas for the purpose of definitely locating the boundary between the Indian Territory and the State of Texas. The following references to the representatives so appointed and the name of the body so constituted appear in the decisions in the above case at the following pages: "A commissioner was appointed on behalf of the United States" (162 U. S. 1, 65); "the commissioners of the two Governments"—i. e., the Government of Texas and the Government of the United States (162 U. S. 1, 66); "a joint commission on the part of the United States and Texas commenced the work," etc. (143 U. S. 621, 635); "the commissioner on the part of the United States" (id.); "the commissioners of the United States and Texas" (id.).

By the act of January 31, 1885, chapter 47 (23 Stat. 296, 297), it was provided that the United States should appoint a representative who should work in conjunction with a representative to be appointed by the State of Texas, for the purpose of ascertaining the boundary. The following references appear as descriptive of the person and the agency:

"The two Governments (United States and State of Texas) appointed commissioners" (162 U. S. 1, 70); the joint body so constituted is defined as "the Joint Boundary Commission" (162 U. S. 1, 21); in the act by the Legislature of Texas authorizing the appointment of its commissioner, the combined representation of the two Governments (State and National) is designated a "joint commission" (162 U. S. 1, 73); by the act authorizing the suit between the United States and Texas (26 Stat. 81, 92, ch. 182, sec. 25) the commission formed under the act of 1885 with the State of Texas is designated as "the joint boundary commission under the act of Congress," etc. (143 U. S. 621, 622); and by the act of 1885 "a joint commission was organized" (143 U. S. 621, 636).

Without further multiplication of examples, it would appear that where two representatives of the United States and of a State are duly ap-



pointed for the purpose of settling a boundary or some other dispute, such persons are "commissioners" and are collectively a "joint commission," and as the court said (162 U. S., 76), "Under the act of Texas of 1882 and the act of Congress of 1885, the two Governments appointed commissioners," and the body so constituted was a "joint commission."

This exercise of the treaty-making powers of the two separate Governments (National and State) necessarily proceeds upon the fundamental fact that there are two separate and distinct Governments, each having its attributes of sovereignty. Of this we shall make mention in a separate memorandum.

#### COMPACTS BETWEEN STATE AND NATIONAL GOVERNMENTS

Controversies arising between two States or between the United States and a State or States may be settled by compact or agreement or by judicial determination by the United States Supreme Court. Diplomacy failing, the suit before the court is the substitute for war. In either event, the high contracting or litigating parties proceed upon the basis of sovereignties, each exercising independent and separate powers and each exclusive within its proper sphere. As said by Mr. Justice Harlan in *United States v. Texas* (143 U. S. 621, 646):

"The submission to judicial solution of controversies arising between these two Governments, 'each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other,' *McCulloch v. State of Maryland* (4 Wheat. 316, 400, 410), but both subject to the supreme law of the land, does no violence to the inherent nature of sovereignty. The States of the Union have agreed, in the Constitution, that the judicial power of the United States shall extend to all cases arising under the Constitution, laws, and treaties of the United States, without regard to the character of the parties (excluding, of course, suits against a State by its own citizens or by citizens of other States or by citizens or subjects of foreign States), and equally to controversies to which the United States shall be a party, without regard to the subject of such controversies, and that this court may exercise original jurisdiction in all such cases 'in which a State shall be a party' without excluding those in which the United States may be the opposite party."

The power to enter into compact between a State or States and the United States is founded upon the same principle as the power in the Supreme Court to settle controversies between States, as said by Mr. Justice Harlan in the foregoing case (p. 644), "We can not assume that the framers of the Constitution, while extending the judicial power of the United States to controversies between two or more States of the Union and between a State of the Union and foreign States, intended to exempt a State altogether from suit by the General Government."

The above statement followed an analysis of the position taken by Texas (p. 641):

"Texas insists that no such jurisdiction has been conferred upon this court, and that the only mode in which the present dispute can be peaceably settled is by agreement, in some form, between the United States and that State. Of course, if no such agreement can be reached—and it seems that one is not probable—and if neither party will surrender its claim of authority and jurisdiction over the disputed territory the result, according to the defendant's theory of the Constitution, must be that the United States, in order to effect a settlement of this vexed question of boundary, must bring its suit in one of the courts of Texas \* \* \* or that, in the end, there must be a trial of physical strength between the Government of the Union and Texas."

The court decided that, inasmuch as the State and the United States did not settle their controversy by compact, the Supreme Court had the power to determine the controversy between the United States and the State.

The right to settle by compact proceeds upon the sovereignty of the State and the sovereignty of the Nation. As stated regarding another matter, "It is a matter between two sovereign powers." (U. S. v. La., 127 U. S. 182, 189.)

The following quotations bear upon this general subject of power and separate sovereignty:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." (Constitution of the United States, tenth amendment.)

"It must be recollected that previous to the formation of the new Constitution we were divided into independent States, united for some purposes, but in most respects sovereign." (Chief Justice Marshall in *Sturges v. Crowninshield*, 4 Wheat. 122, 192.)

"Reference has been made to the political situation of these States anterior to its (Constitution) formation. It has been said that they were sovereign, were completely independent, and were connected with each other only by a league. This is true." (Chief Justice Marshall in *Gibbons v. Ogden*, 9 Wheat. 1, 187.)

"The United States are sovereign as to all the powers of Government actually surrendered. Each State in the Union is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no claim to any authority but such as the States have

surrendered to them. Of course, the part not surrendered must remain as it did before." (*Chisholm v. Georgia*, 2 Dall. 419, 435.)

"In America the powers of sovereignty are divided between the Government of the Union and those of the States. They are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other." (Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 316, 410.)

"Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still all powers not delegated to the United States, nor prohibited to the States, are reserved to the States, respectively, or to the people. And we have already had occasion to remark at this term that 'the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence,' and that 'without the States in union there could be no such political body as the United States.' Not only, therefore, can there be no loss of separate and independent autonomy to the States through their Union under the Constitution but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States." (Chief Justice Chase in *Texas v. White*, 7 Wall. 700, 725, decided in 1868.)

"The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme, but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the General Government as that Government within its sphere is independent of the States." (Mr. Justice Nelson in *Collector v. Day*, 11 Wall. 113, 124, decided in 1870.)

"We have in this Republic a dual system of government, National and State, each operating within the same territory and upon the same persons, and yet working without collision, because their functions are different. There are certain matters over which the National Government has absolute control and no action of the State can interfere therewith, and there are others in which the State is supreme, and in respect to them the National Government is powerless. To preserve the even balance between these two governments and hold each in its separate sphere is the peculiar duty of all courts, preeminently of this—a duty oftentimes of great delicacy and difficulty." (Mr. Justice Brewer in *South Carolina v. United States*, 199 U. S. 437, 448, decided in 1905.)

"Each State is subject only to the limitations prescribed by the Constitution and within its own territory is otherwise supreme. Its internal affairs are matters of its own discretion." (Id. 454.)

"The powers affecting the internal affairs of the States not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States." (Justice Brewer in *Kansas v. Colorado*, 206 U. S. 46, 90.)

In the case of *Kansas v. Colorado*, last above cited, the United States intervened, in effect claiming national control of the waters of western streams to be administered under the doctrine of prior appropriation. In answer to the primary question of national control, regardless of the rights of the States, *inter sese*, Justice Brewer, after observing that the United States had an interest in the public lands within the Western States and might legislate for their reclamation, subject to State laws, thus disposed of the claim of national control of western interstate streams:

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid land. \* \* \* No independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress. \* \* \* But it is useless to pursue the inquiry further in this direction. It is enough for the purpose of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. (Citing cases). \* \* \* It may determine for itself whether the common law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. \* \* \* One cardinal rule, underlying all the relations of the States to each other, is that of the equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none." (*Kansas v. Colorado*, 206 U. S. 46, 87-97.)

In concluding the above decision the Supreme Court dismissed the case without prejudice to the right of Kansas to institute new proceedings "whenever it shall appear that through a material increase in the

depletion of the waters of the Arkansas by Colorado \* \* \* the substantial interests of Kansas are being injured to the extent of destroying the equitable apportionment of the benefits between the two States resulting from the flow of the river." (206 U. S. 46, 117.)

The United States has large interests in the form of public lands within the Colorado River area, and has already constructed large irrigation works near Yuma, Ariz., and is engaged in irrigation of large areas along the lower portion of the stream and in the vicinity of the Salton Sea. The seven Colorado River States have already enacted legislation authorizing a commissioner for each of the States, to meet with a representative of the United States, for the purpose of formulating and entering into a compact or agreement respecting the future utilization and disposition of the waters of the Colorado River and its tributaries. Any such compact will be of no binding force or effect until ratified by the legislatures of each of the States and by the Congress of the United States. The seven State sovereignties have legislated. The governor of each has appointed a commissioner pursuant to the legislation. The governors have collectively waited upon the President and presented their written request for national legislation authorizing the appointment by the President of a representative for the United States.

NOTE.—Since the foregoing memorandum was written the United States Supreme Court decided, in *Wyoming v. Colorado*, that in cases between two States both of which recognize the doctrine of prior appropriation as a matter of local law, the court will apply the fundamental principles of the doctrine in the allocation of the waters of a river common to the two States and will so apportion the dependable average annual flow between the States that the older established uses in both States will receive first protection. The doctrine so announced leaves the Western States to a rivalry and a contest of speed for future development. The upper State has but one alternative, that of using every means to retard development in the lower State until the uses within the upper State have reached their maximum. The States may avoid this unfortunate situation by determining their respective rights by interstate compact before further development in either State, thus permitting freedom of development in the lower State without injury to future growth in the upper.

By the attached compact the objectionable features of leaving the destiny of the States to a wild scramble in a contest of speed for first development are avoided. The future uses within the upper State, according to its growing necessities, are protected without interfering with a similar growth in the lower State. Each State may proceed in an orderly manner in pace with the normal course of events, free from any cloud of threatened penalties.

SUPPLEMENTAL REPORT OF DELPH E. CARPENTER, COMMISSIONER FOR COLORADO, COLORADO RIVER COMMISSION

Printed in full in Senate Journal (Colorado, 1923, pp. 888-895, inclusive, as a part of the proceedings in re second reading of Senate bill 410, "a bill for an act to approve the Colorado River compact." Original report printed in Senate Journal of January 5, 1923, pages 75-86, inclusive.

DENVER, COLO., March 20, 1923.

Senator M. E. BASHOR,  
Chairman Senate Committee on Agriculture and Irrigation;  
and  
Hon. ROYAL W. CALKINS,  
Chairman House Committee on Agriculture and Irrigation,  
Denver, Colo.

GENTLEMEN: Pursuant to your request, I respectfully submit the following observations respecting certain provisions of the Colorado River compact:

First and foremost, it should be ever kept in mind that the intent of the compact is to be ascertained from a consideration of the entire instrument, and that each clause must be considered in connection with other clauses.

ART. III, PAR. (b). Paragraph (b) of Article III does not authorize a cumulative increase of beneficial consumptive use of waters to the extent of 1,000,000 acre-feet per annum. This paragraph means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more.

Paragraph (a) of said article permanently apportions to the lower basin the annual beneficial consumptive use of 7,500,000 acre-feet of water, which includes all water necessary for the supply of any rights which may now exist.

Paragraph (b) permits the lower basin to increase its annual beneficial consumptive use of water 1,000,000 acre-feet. The two paragraphs permit an aggregate annual beneficial consumptive use of 8,500,000 acre-feet, and no more. The words "per annum," as used in paragraph (b) are not synonymous with the word "annually." No cumulative increase is intended by that paragraph.

#### ARTICLE VIII

Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond or in addition to that made in paragraphs (a) and (b) of Article III.

The Imperial Valley project which diverts water below Yuma, Ariz., is said to have diverted the entire low flow of the river for a period of several days in October during 3 of the past 10 years. Those in control of that project feared that additional development in the upper basin (before storage facilities had been provided for the lower basin) would materially decrease the October flow of the river at Yuma. Storage facilities constructed in the great canyon of the river will care for the entire supply necessary for the Imperial Valley. While the Imperial Valley probably has no legitimate claim which it may enforce against the upper basin, it was urged, nevertheless, that whatever rights such users may claim should not be disturbed until time and opportunity may afford the building of storage works.

The apportionment to the lower basin by paragraph (a) of Article III provides that such apportionment "shall include all water necessary for the supply of any rights which may now exist." Any claims of the Imperial Valley therefore would be satisfied out of such apportionment of water. The storage of water in reservoirs, as provided in Article VIII, must be made "not in conflict with Article III." After storage is provided, water stored in harmony with Article III will be available to the Imperial Valley project and "present perfected rights" on the lower river shall thereafter be satisfied from the water stored in harmony with Article III and their claims, if any, against the upper basin are thereafter cut off by the substitution of stored water for direct flow.

Article I provides that "an apportionment of the use of part of the water of the Colorado River system is made to the upper basin and also to the lower basin with provision that further equitable apportionment may be made."

Paragraph (f) of Article III provides that "further equitable apportionment of the beneficial uses of the waters of the Colorado system unapportioned by paragraphs (a), (b), and (c) may be made \* \* \* if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b)." The storage of water under Article VIII must be in harmony with paragraph (f) of Article III, as well as with paragraph (a), and the latter paragraph provides that the apportionment to the lower basin "shall include all water necessary for the supply of any rights which may now exist," and the second paragraph of Article VIII provides that all other rights (than present perfected rights) "shall be satisfied solely from the water apportioned to that basin in which they are situate."

Taking the compact as a whole and construing its provisions together, Article VIII does not authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs (a) and (b) of Article III.

It will be noted that Article VIII does not concede that "present perfected rights" in the lower basin have any claims against the upper basin, the language being "claims of such rights, if any, by appropriators or users of water in the lower basin against the appropriators or users of water in the upper basin." In other words any such claims are neither acknowledged nor denied and their legal status, whatever it may be, is temporarily left as it was at the time of the compact. But when the reservoir is constructed, any claims against the upper basin by such "present perfected rights" are thereafter cut off.

#### ARTICLE III, PARAGRAPH (E)

Paragraph (e) of Article III is reciprocal. It should be construed with paragraph (b) of Article IV. The States of the lower division can not require the delivery of water at Lees Ferry, by the upper division, which can not be reasonably applied to domestic and agricultural uses in the lower basin. The clause preserves the dominant rights of agricultural and domestic uses over power uses and only prevents the withholding of water for power development within the upper basin to the extent that such withholding may encroach upon the supply necessary for agricultural and domestic uses in the lower basin. In other words, the compact means that power claims by the lower basin can not compel the upper basin to turn down any water which can not reasonably be applied to domestic and agricultural uses in the lower basin. This permits the first use of the waters of the upper basin for the generation of power, limited only by the agricultural and domestic demands in the lower basin. All power uses in both basins are made "subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes" (referring to agricultural and domestic uses).

#### ARTICLE III, PARAGRAPH (F)

The compact reserves for future apportionment (between the two basins of the river) all of the waters of the river and its tributaries unapportioned by paragraphs (a), (b), and (c) of Article III. This is specifically provided in paragraph (f) of Article III. No such apportionment can occur (except by unanimous consent) until after October 1, 1963 (40 years). If at any time after 40 years either basin shall have reached its total beneficial consumptive use, as provided in paragraphs (a) and (b) of Article III, either basin may demand an equitable apportionment of the beneficial uses of the remainder of the water of the river. This does not prevent a diversion and use of water in either



basin in excess of the apportionment, but all such excess diversions will be made at the peril of the users. This applies to the excess uses made either before or after the expiration of the 40-year period. The apportionment of water to supply any such excess uses will be a matter entirely within the keeping and jurisdiction of the new compact commission and will require its unanimous approval.

By the compact the unapportioned waters are reserved for "further equitable apportionment" between the two basins. This negatives any suggestion that excess uses in either basin will be regarded as legal "appropriations." Any such excess uses will be by sufferance and without legal foundation, but such users will not be prevented from pressing their equitable claims in the future apportionment provided for in paragraph (g) of Article III. This will apply to all excess uses made by means of enormous reservoirs in the lower basin capable of storing and beneficially using (for power or other uses) all of the flow of the river which may pass Lees Ferry. All such uses, made by means of such structures, are and will be subject to the Colorado River compact and can perfect no claim which will prevent further "equitable apportionment" between the basins at any time after 40 years.

#### ARTICLE IV, PARAGRAPH (C)

Intrastate control of appropriations made within the apportionments provided by the compact is specifically reserved by paragraph (c), Article IV. This includes such regulations as each State may provide by its constitution and laws respecting the preference of one class of use over other classes of use. In other words the constitution and laws of Colorado control the details of appropriation, use, and distribution of water within the State. The compact does not attempt to invade such matters of local concern. When approved, the compact will be the law of the river as between the States. It deals wholly with interstate relations. The paragraph refers to intrastate control. Whatever the intrastate regulation and control may be it can not effect the interstate relations. No law of any State can have extraterritorial effect or interfere with the operation of the compact as between the States.

#### "BENEFICIAL CONSUMPTIVE USE"

In my original report (printed in the Senate Journal of January 5, 1923) I discussed and defined the term "beneficial consumptive use." In addition to the discussion there contained, I might add there is a vast difference between the term "beneficial use" and the term "beneficial consumptive use." A use may be beneficial and at the same time nonconsumptive or the use may be partly or wholly consumptive. A wholly consumptive use is a use which wholly consumes the water. A nonconsumptive use is a use in which no water is consumed (lost to the stream). "Consume" means to exhaust or destroy. The use of water for irrigation is but partially consumptive for the reason that a great part of the water diverted ultimately finds its way back to the stream. All uses which are beneficial are included within the apportionments (i. e. domestic, agricultural, power, etc.). The measure of the apportionment is the amount of water lost to the river. The "beneficial consumptive use" refers to the amount of water exhausted or lost to the stream in the process of making all beneficial uses. As recently defined by Director Davis of the United States Reclamation Service, it is the "diversion minus the return flow." (CONGRESSIONAL RECORD, January 31, 1923, p. 2815.) Water diverted and carried out of the basin of the Colorado River by the Strawberry, Moffat, or other tunnels or by canal into the Imperial Valley is wholly consumed as regards the Colorado River, because no part of it ever returns to that stream system.

#### AMOUNT OF FLOW AT LEES FERRY

The net measured flow of the Colorado River at Lees Ferry (after all uses above) was 16,000,000 acre-feet from September 30, 1921, to September 30, 1922, according to the report of the Director of the United States Geological Survey. The net flow of the whole river (after all uses above Yuma) has been measured and recorded at Yuma, Ariz. (below all tributaries, including the Gila River), since 1899. The mean or average flow at Yuma for the 20-year period 1903-1922 is 17,400,000 acre-feet per annum. The flow September 30, 1921, to September 30, 1922, at Yuma was 17,600,000 acre-feet. This was 200,000 acre-feet (1 per cent) greater than the 20-year average. (See CONGRESSIONAL RECORD, January 31, 1923, p. 2819.) In other words, the flow of the river for that period was 101 per cent of normal. The flow of 16,100,000 acre-feet at Lees Ferry therefore represents 101 per cent of the average annual net flow of the river at that point (after deducting all water consumed during uses in the entire upper basin). Assuming that 2,500,000 is now annually consumed during uses in the upper basin, we would obtain a "reconstructed river" by adding that amount to 16,100,000 acre-feet, making an aggregate of 18,600,000 acre-feet annual discharge, which is 101 per cent of the 20-year annual average.

It is evident that the States of the upper basin may safely guarantee 75,000,000 acre-feet aggregate delivery at Lees Ferry during each 10-year period. This would mean an average annual delivery of 7,500,000 acre-feet as against 15,940,594 acre-feet present net annual average flow (100 per cent) at Lees Ferry or 18,415,842 acre-feet natural average annual flow (100 per cent) on the basis of a "reconstructed" river.

I herewith attach for your information copies of certain telegrams which will be self-explanatory.

Very truly yours,

DELPH E. CARPENTER,  
Commissioner for Colorado.

CAPITOL BUILDING,  
Denver, Colo., February 10, 1923.

Hon. HERBERT HOOVER,

Chairman Colorado River Commission,

Washington, D. C.:

Do you concur with me that the intent of the commission in framing the Colorado River compact was as follows:

That paragraph b of Article III means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more?

That Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III?

DELPH E. CARPENTER.

WASHINGTON, D. C., February 12, 1923.

DELPH E. CARPENTER,

State Capitol, Denver, Colo.:

I concur with you, and shall so advise Congress in my report, that the intent of the commission in framing the Colorado River compact was as follows:

First, that paragraph b of Article III means that lower basin may acquire rights under the compact to annual beneficial consumptive use of water in excess of the apportionment in paragraph a of that article by 1,000,000 acre-feet and no more.

There is nothing in the compact to prevent the States of either basin using more water than the amount apportioned under paragraphs a and b of Article III, but such use would be subject to the further apportionment provided for in paragraph f of Article III and would vest no rights under the present compact.

Second. That article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III.

HERBERT HOOVER.

DENVER, COLO., February 13, 1923.

R. H. McKISICK,

Deputy Attorney General, Sacramento, Calif.:

Do you concur with me that intent of commission in framing Colorado River compact was as follows:

That paragraph b of Article III means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more.

That Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III.

DELPH E. CARPENTER.

SACRAMENTO, CALIF., February 15, 1923.

Hon. DELPH E. CARPENTER,

State Capitol, Denver, Colo.:

Am of opinion that paragraph b of Article III permits increase of annual beneficial consumption use of water by lower basin to 8,500,000 acre-feet total, or 1,000,000 in excess quantity apportioned each basin in perpetuity by paragraph a, Article III, and no more. When both paragraphs are read together no other construction tenable. "Per annum" not synonymous with "annually."

Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III, but means that if and when the water passing Lees Ferry as provided in paragraphs d and e, Article III, is impounded within specified storage, claims of lower-basin appropriators or users adverse to those of upper-basin appropriators or users shall be transferred to and satisfied from the water so stored.

R. T. McKISICK.

SACRAMENTO, CALIF., February 15, 1923.

DELPH E. CARPENTER,

Denver, Colo.:

My interpretation of Articles III and VIII well expressed in McKisick's wire of the 13th.

W. F. McCLURE.

The following is from the letter of February 16, 1923, of Arthur P. Davis, Director United States Reclamation Service, addressed to Clarence C. Stetson, executive secretary Colorado River Commission, interpreting paragraph (b), Article III and Article VIII, Colorado River compact:

"Article VIII provides that all of the rights of the lower basin shall be satisfied from the water apportioned to that basin. There is no indication that any portion of its needs shall be taken from the allotment to the upper basin. The assumption that the lower basin could claim priority for the appropriation of water in a reservoir is an assumption that the compact is invalid, for this is just the contingency which it was designed to meet. The proviso that a storage reservoir of 5,000,000 acre-feet or more shall take care of the perfected rights in the lower basin is designed to lift the ban upon the diversion of the low-water flow from the upper tributaries after the construction of such a reservoir, which will be filled from the flood waters, but which is to be charged against the allotment of the lower division as specifically provided in paragraph (a), Article III. This provides conclusively against the supposition that the stored waters are not to come out of the allotment to the lower basin.

"The assumption that paragraph (b) of Article III has no limit is its own refutation on account of the absurdity of that assumption. It would in a few years, if so construed, absorb more than the entire flow of the river, which reduces the assumption to an absurdity. Furthermore, the language is specific as the apportionment is for the consumptive use of 1,000,000 acre-feet per annum and can not be construed to mean 2,000,000 acre-feet per annum or any other amount."

[NOTE.—The Colorado Legislature also had before it, during the debates in re approval of Colorado River compact, the report of Herbert Hoover, representative for the United States, the same being Document No. 605, Sixty-seventh Congress, fourth session, House of Representatives; also extension of remarks of Congressman CARL HAYDEN, of Arizona. See CONGRESSIONAL RECORD, January 30, 1923, Sixty-seventh Congress, fourth session.]

MR. WALSH of Montana. Mr. President, I now offer the amendment which I said I would offer following the offering and disposal of the amendment submitted by the junior Senator from Arizona [Mr. HAYDEN]. It is equally desirable notwithstanding the fact that his amendment was defeated.

MR. JOHNSON. I have no objection to it if it is the amendment that was mentioned previously by the Senator from Montana.

THE VICE PRESIDENT. The clerk will read the proposed amendment to the amendment.

THE LEGISLATIVE CLERK. On page 20, after line 20, insert:

Claims of the United States arising out of any contract authorized by this act shall have priority over all others, secured or unsecured.

THE VICE PRESIDENT. Is there objection?

MR. JOHNSON. There is not.

THE VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question now recurs on the amendment of the Senator from California [Mr. JOHNSON] in the nature of a substitute as amended.

MR. HAYDEN. Mr. President, I gave notice yesterday that I intended to move to strike out subsection (c) of section 8 in relation to the constitution of Arizona. I now move to strike out that subsection. Beginning on page 14, line 21, I move to strike out all of subsection (c) ending in line 5, page 15.

THE VICE PRESIDENT. Is there objection?

MR. JOHNSON. Yes, Mr. President, there is a very decided objection to striking it out.

THE VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arizona to the amendment.

MR. HAYDEN. Mr. President, I offered this amendment in the hope that the Senator from California would accept it, by reason of statements made in the course of the debate last session, in which he stated that he considered the matter to be one of not very great consequence. I should like to have the clerk read the language which I propose to have stricken out.

THE VICE PRESIDENT. The clerk will read, as requested.

THE LEGISLATIVE CLERK. On page 14, beginning at line 21, strike out paragraph (c), as follows:

(c) Nothing in this act shall be deemed to waive any of the rights or powers reserved or granted to the United States by paragraph 7 of section 20 of the act providing for the admission of Arizona, approved June 20, 1910, and by the tenth paragraph of Article XX of the constitution of Arizona, but the Secretary of the Interior is authorized on behalf of the United States to exercise such of said rights and powers as may be necessary or convenient for the construction and use of the works herein authorized and for carrying out the purposes of this act.

MR. HAYDEN. Mr. President, the two objects sought to be accomplished by this provision are, first, to take advantage of a certain section of the constitution of the State of Arizona which has since been repealed, and the other to take advantage of a provision in the enabling act reserving certain lands for water-power purposes in the State of Arizona if selected within a period of five years. I have here a letter from the Commis-

sioner of the General Land Office which shows that none of the lands selected within that 5-year period are situated in the vicinity of the Black Canyon Dam, so that part of the enabling act, which might have been of value in the event that the dam was constructed at Boulder Canyon, is of no value at the present time. I ask that the clerk may read the letter from the Commissioner of the General Land Office.

THE VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., April 26, 1923.

HON. CARL HAYDEN,  
United States Senate.

MY DEAR SENATOR: In reply to your letter dated April 24, 1923, with reference to Tps. 29, 30, 31, 32 N., R. 23 W., and Tps. 29-32 N., R. 22 W., you are advised that the records of this office show that certain lands in T. 32 N., R. 22 W., were withdrawn for power purposes under the authority granted in the act admitting the State of Arizona into the Union, the date of said withdrawal being February 9, 1917. The other townships referred to are not affected by any withdrawal under said act. A carbon copy of this letter is inclosed herewith.

Very respectfully,

WILLIAM SPRY, Commissioner.

MR. HAYDEN. Certain lands in the vicinity of Boulder Canyon, some 20 miles from the present site of the dam at Black Canyon, were withdrawn within the period specified in the enabling act. No lands in the vicinity of the dam now proposed to be built at Black Canyon were withdrawn. If the State of Arizona could claim those lands, which it could not under existing conditions, since they are withdrawn for water-power purposes under the general statute. Therefore there could be no advantage gained by the Secretary of the Interior under that provision in the enabling act.

The other provision with reference to the following section of the constitution of the State of Arizona which has subsequently been repealed by the people of the State is as follows:

There are hereby reserved to the United States with full acquiescence of this State all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction and irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

I do not believe there is a lawyer in the Senate who, after looking at the provision in the bill which I have asked to have stricken out, will say that it adds to or takes away any right or power or authority that the Secretary of the Interior would otherwise have. Any advantage which the Federal Government may have under the constitution of the State of Arizona and the enabling act under which Arizona was admitted into the Union must stand or fall regardless of any subsequent act of Congress.

The Supreme Court has passed upon that question completely in the case of Coyle against Smith. The State of Oklahoma, in its enabling act, was prohibited from moving the State capital from the city of Guthrie. Oklahoma, after the admission of the State, did move its capital, and the Supreme Court of the United States held that Congress had no power to place any such limitation upon the State, but the court went further and said that so far as the public lands were concerned, whether there was any mention made of such lands in the enabling act or not, Congress held control over them and could dispose of them regardless of any statement in the enabling act.

This item first appeared in the Swing-Johnson bill in 1926, about two years ago, and immediately created a most unfavorable reaction in the State of Arizona. The reaction went to such an extent that the legislature submitted an amendment to the constitution of the State of Arizona to a vote of the people and those provisions were repealed. No one in Arizona would ever have thought of doing anything of the kind if this provision had not been placed in the Swing-Johnson bill. It may be doubted whether the people of Arizona gained anything or lost anything by the action that they took. I do not think the proponents of the legislation can hope to gain anything by this provision in the bill. It is but a source of irritation; it is rubbing some sore salt in the wound. In order to bring our States together in harmony, to have them exercise that amity and comity which should prevail between neighboring States in the Union, where they are interested in great projects such as the one contemplated in the bill now before us, there should be no attempt at any kind of coercion in the legislation. I am sure that if the lawyers



in the Senate will look at this provision they will say that what I have said is true.

Mr. PITTMAN. To what section does the Senator refer?

Mr. HAYDEN. Subsection (c) on page 14.

Mr. PITTMAN. I never had thought that the section had any legal effect whatever. It simply provides that—

Nothing in this act shall be deemed to waive or change any of the rights or powers reserved or granted to the United States by paragraph 7 of section 20 of the act providing for the admission of Arizona, approved June 20, 1910, and by the tenth paragraph of Article XX of the constitution of Arizona, but the Secretary of the Interior is authorized on behalf of the United States to exercise such of said rights and powers as may be necessary or convenient for the construction and use of the works herein authorized and for carrying out the purposes of this act.

Personally I never thought it had any effect one way or the other.

Mr. WALSH of Montana. Mr. President, will not the Senator from Arizona give us the provisions of the enabling act that are supposed to confer some rights upon the Government of the United States?

Mr. HAYDEN. I shall be glad to do so. They read as follows:

SEC. 28. There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State; and no land so reserved and excepted shall be subject to any disposition whatsoever of said State, and any conveyance or transfer of such land by said State or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants there be, and is hereby, granted to the proposed State an equal quantity of land to be selected from land of the character named and in the manner prescribed in section 24 of this act.

Reservations of that character were made and the State of Arizona has selected new lands for all reservations made within the 5-year period. I have here a list of the new lands selected. That transaction is consummated.

Mr. WALSH of Montana. That provision of the enabling act by the logic of events has become nugatory?

Mr. HAYDEN. Absolutely. The only question was whether some lands selected under that provision were needed for the construction of the proposed Boulder Canyon Dam. If the dam had been built at its original site, it would have come within certain lands withdrawn within the 5-year limitation by the United States. But, as it turns out now, the site where the dam is to be located is on other public lands reserved under other acts of Congress and to which the State of Arizona could lay no claim. Under no circumstances would the provision in the enabling act be of any benefit to the Secretary of the Interior or to the United States. The Federal Government would have no right that it would not otherwise have.

I ask to have printed in the RECORD at this point a list of the lands reserved by the United States and a list of the lieu lands selected by the State of Arizona.

The VICE PRESIDENT. Without objection, it is so ordered. The lists referred to are as follows:

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, September 23, 1914.

REGISTER AND RECEIVER,  
Phoenix, Ariz.

SIRS: By Executive order of September 5, 1914, the hereinafter-described lands in Arizona, involving, with other lands not in your district, approximately 40,000 acres, were withdrawn from settlement, location, sale, or entry and reserved for water-power sites as power-site reserve No. 446, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910 (36 Stat. 847 as amended by the act of August 24, 1912 (37 Stat. 497)).

GILA AND SALT RIVER MERIDIAN, ARIZONA

All lands within a quarter of a mile of Colorado River within the following unsurveyed townships:

T. 33 N., R. 5 W.	T. 32 N., R. 17 W.
T. 34 N., R. 5 W.	T. 30 N., R. 18 W.
T. 32 N., R. 16 W.	T. 31 N., R. 18 W.
T. 33 N., R. 16 W.	T. 31 N., R. 19 W.
T. 30 N., R. 17 W.	T. 32 N., R. 19 W.
T. 31 N., R. 17 W.	

All lands located on the north or west bank of Colorado River within a quarter of a mile thereof in the following unsurveyed townships and portions of townships:

T. 36 N., R. 5 E., N. ½ of T.	T. 42 N., R. 9 E.
T. 37 N., R. 5 E.	T. 33 N., R. 6 W.
T. 37 N., R. 6 E.	T. 32 N., R. 7 W.
T. 38 N., R. 6 E.	T. 33 N., R. 7 W.
T. 39 N., R. 6 E.	T. 32 N., R. 8 W., S. ½ of T.
T. 39 N., R. 7 E.	T. 31 N., R. 9 W.
T. 40 N., R. 7 E.	T. 32 N., R. 9 W.
T. 40 N., R. 8 E.	T. 31 N., R. 10 W.
T. 41 N., R. 8 E.	T. 31 N., R. 15 W.
T. 41 N., R. 9 E.	T. 32 N., R. 15 W.

All lands on the south or east bank of Colorado River within a quarter of a mile thereof and not within the Hualpai Indian Reservation, within the following unsurveyed townships:

T. 32 N., R. 6 W.	T. 31 N., R. 15 W.
T. 33 N., R. 6 W.	T. 32 N., R. 15 W.

Note the withdrawals upon your records and advise this office of such action.

Very respectfully,

C. M. BRUCE,  
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, August 17, 1914.

REGISTER AND RECEIVER,  
Phoenix, Ariz.

SIRS: By departmental order of July 16, 1914, the lands in the hereinafter-described areas located along the Colorado River, involving approximately 38,000 acres, were withdrawn from location, sale, entry, allotment, or other appropriation, and reserved for water-power sites as power-site reserve No. 447, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress approved June 25, 1910 (36 Stat. 855), and it was directed that no trust patents issue.

ORDER OF WITHDRAWAL—POWER-SITE RESERVE NO. 447, COLORADO RIVER, ARIZ.

It is hereby ordered that the following-described lands, valuable for power sites, be, and the same are hereby, reserved from location, sale, entry, allotment, or other appropriation, in accordance with the provisions of sections 13 and 14 of the act approved June 25, 1910 (36 Stat. 855, 858), and that no trust or fee simple patent be issued as regards the lands until further orders.

GILA AND SALT RIVER MERIDIAN

All lands in the Hualpai and Navajo Indian Reservations within a quarter of a mile of Colorado River and within the following unsurveyed townships:

T. 36 N., R. 5 E.	T. 32 N., R. 9 W.
T. 37 N., R. 5 E.	T. 27 N., R. 10 W.
T. 37 N., R. 6 E.	T. 28 N., R. 10 W.
T. 38 N., R. 6 E.	T. 29 N., R. 10 W.
T. 38 N., R. 7 E.	T. 30 N., R. 10 W.
T. 39 N., R. 6 E.	T. 31 N., R. 10 W.
T. 39 N., R. 7 E.	T. 27 N., R. 11 W.
T. 40 N., R. 7 E.	T. 28 N., R. 11 W.
T. 40 N., R. 8 E.	T. 27 N., R. 12 W.
T. 41 N., R. 8 E.	T. 28 N., R. 12 W.
T. 41 N., R. 9 E.	T. 28 N., R. 13 W.
T. 42 N., R. 9 E.	T. 29 N., R. 13 W.
T. 33 N., R. 6 W.	T. 29 N., R. 14 W.
T. 32 N., R. 7 W.	T. 30 N., R. 14 W.
T. 33 N., R. 7 W.	T. 31 N., R. 14 W.
T. 32 N., R. 8 W.	T. 31 N., R. 15 W.
T. 30 N., R. 9 W.	T. 32 N., R. 15 W.
T. 31 N., R. 9 W.	

Make proper notations upon the records of your office and advise this office of such action.

Very respectfully,

C. M. BRUCE,  
Acting Commissioner.

STATE LIEU SELECTIONS

The State land department advises that the State of Arizona has selected lands in lieu of the lands withdrawn by the Secretary of the Interior for power-site purposes along the Colorado River as follows:

Power-site reserve No. 446:

T. 30 N., R. 17 W., sec. 32.
T. 37 N., R. 6 E., secs. 2, 16, 32, 36.
T. 38 N., R. 6 E., sec. 36.
T. 39 N., R. 7 E., secs. 2, 16, 32, 36.
T. 40 N., R. 7 E., sec. 36.
T. 40 N., R. 8 E., secs. 2, 16, 32, 36.

Power-site reserve No. 446—Continued.

T. 41 N., R. 8 E., sec. 36.  
T. 41 N., R. 9 E., secs. 2, 32, 36.  
T. 33 N., R. 6 W., secs. 32, 36.  
T. 32 N., R. 7 W., secs. 2, 16, 32, 36.  
T. 33 N., R. 7 W., sec. 36.  
T. 31 N., R. 9 W., secs. 32, 36.  
T. 31 N., R. 15 W., sec. 16.  
T. 32 N., R. 6 W., secs. 2, 16, 32, 36.  
T. 33 N., R. 6 W., secs. 32, part 36.  
T. 31 N., R. 15 W., sec. 16.

Power-site reserve No. 447:

T. 37 N., R. 6 E., sec. 36.  
T. 38 N., R. 6 E., sec. 36.  
T. 39 N., R. 7 E., secs. 2, 16, 32, 36.  
T. 40 N., R. 7 E., sec. 36.  
T. 40 N., R. 8 E., secs. 2, 16, 32, 36.  
T. 41 N., R. 8 E., sec. 36.  
T. 41 N., R. 9 E., secs. 2, 32, 36.  
T. 33 N., R. 6 W., sec. 32.  
T. 32 N., R. 7 W., secs. 32, 36.  
T. 33 N., R. 7 W., sec. 36.  
T. 32 N., R. 8 W., sec. 36.  
T. 27 N., R. 10 W., secs. 2, 16, 32, 36.  
T. 28 N., R. 10 W., secs. 2, 32 (208 acres).  
T. 27 N., R. 11 W., secs. 32, 36.  
T. 27 N., R. 12 W., secs. 16, 32, 36.  
T. 28 N., R. 13 W., sec. 16.

Mr. HAYDEN. I also ask to have printed in the RECORD the act of the Legislature of Arizona submitting to the people of the State the question of the repeal of that section of the constitution of the State to which I have referred and the section itself, so that the record may be made complete.

The VICE PRESIDENT. Without objection, it is so ordered. The matters referred to are as follows:

(1927 session laws of Arizona, chapter 110, pp. 416-418)

*Be it enacted by the Legislature of the State of Arizona—*

SECTION 1. It is hereby proposed by the Eighth Legislature of the State of Arizona to amend the constitution of the State of Arizona, a majority of the members elected to each of the two houses of said legislature approving thereof and such approval having been entered on the journal of each house, together with the ayes and nays thereon, by amending the fifth paragraph of article 10 of said constitution to read as follows:

"Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated within this State belonging to residents thereof, and no taxes shall be imposed by this State on any lands or other property within an Indian reservation owned or held by any Indian; but nothing herein shall preclude the State from taxing, as other lands and other property are taxed, and lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress."

SEC. 2. It is hereby further proposed by the Eighth Legislature of the State of Arizona to amend the constitution of the State of Arizona, a majority of the members elected to each of the two houses of said legislature approving thereof and such approval having been entered on the journal of each house, together with the yeas and nays thereon, by abrogating, repealing, and striking therefrom the tenth paragraph of said article of said constitution, reading as follows:

"Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all the rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory."

SEC. 3. The said proposals to amend the constitution shall be submitted to the qualified electors in accordance with the provisions of law, of the constitution, and of this proposal at a special election hereby called and ordered by the eighth legislature, to be held on Tuesday, the 31st day of May, 1927.

Mr. HAYDEN. In connection therewith I should like to have included in the RECORD a statement of the reasons why the constitution of Arizona should be changed, made by Mr. A. H. Favour, an eminent attorney of the State of Arizona, who reviewed the various cases decided by the Supreme Court of the United States with respect to the right of Congress to limit a State in an enabling act passed by Congress upon admission of the State.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

# REASONS GIVEN WHY CONSTITUTION OF ARIZONA MUST BE CHANGED FOR COLORADO RIVER RIGHTS

In the matter of the repeal of sections 5 and 10, Article XX of the Arizona constitution.

## STATEMENT OF CASE

The only provision in the Constitution of the United States with reference to the admission of new States is found in Article IV, subdivisions 3 and 4. These sections read as follows:

"Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

"Sec. 4. The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."

The Congress of the United States passed an enabling act, approved June 20, 1910 (30 Stat. L. 557, ch. 310), wherein it was provided the terms and conditions upon which Arizona might become a member of the Union. Among other conditions was part of section which read as follows:

"The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

"And said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State—"

Thereafter were set out nine specific items which the State of Arizona were to include in their acceptance, among which was a part of subdivision second, which reads as follows:

"That the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe."

And subdivision seventh, which reads as follows:

"Seventh. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a Territory."

Subdivision ninth, the second paragraph, contains the following provision:

"All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making of any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress."

The enabling act provided for a proclamation by the President, when all conditions were complied with: "The proposed State of Arizona shall be deemed admitted by Congress into the Union, by virtue of this act, on an equal footing with the other States." This is the usual condition that has been set out in practically every enabling act by which a State has been admitted into the Union.

Following the passage of the enabling act, and according to the procedure set out therein, a constitutional convention was held in Arizona and it adopted the constitution. The twentieth article of this constitution entitled "Ordinance," is practically a restatement of section 20 of the enabling act. Article XX starts out with the following language: "The following ordinance shall be deemed irrevocable without the consent of the United States and the people of this State." Then follow the 12 sections and ends with section 13, of which the language is as follows:



"Thirteenth. This ordinance is hereby made a part of the constitution of the State of Arizona, and no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress."

Now the question comes up, Can any one of these sections be repealed by the people of the State of Arizona as the constitution is amended or added to or repealed, and particularly sections fifth and tenth by the people without the consent of the United States? These sections read as follows:

"Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State upon lands or property situated in the State belonging to or which may hereafter be acquired by the United States or reserved for its use, but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any act of Congress, but all such lands shall be exempt from taxation so long and to such extent as Congress has prescribed or may hereafter prescribe."

"Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto to the same extent as if this State had remained a Territory."

## LAW

A number of cases involving this same question have come before the United States Supreme Court. The leading case on this subject is that of *Coyle v. Smith* (221 U. S. 559, 55 L. ed. 853). In this case Oklahoma was admitted into the Union in very much the same method that Arizona became a member. In 1906 an enabling act was passed by Congress which laid down certain conditions which Oklahoma was to accept by irrevocable ordinance before it came into the Union. Among these conditions was one that the capital should be located at Guthrie, and no vote should be taken to change its location from that place until the year 1913. The constitutional convention by which Oklahoma became a part of the Union irrevocably accepted the terms and conditions of the enabling act, including this one about the capital being located at Guthrie. The enabling act contained the usual provision that Oklahoma was to be admitted on an equal footing with the original States. After the constitutional convention the legislature met and, by proper legislation, moved the capital from Guthrie to Oklahoma City, prior to 1913, and in violation to this part of the enabling act and Oklahoma's acceptance. The question was brought before the Supreme Court of the United States by an appeal from the decision of the Supreme Court of Oklahoma upholding the said statute of removal as constitutional and abrogating the provision in the enabling act and the State's acceptance. There is an interesting parallel between this case and that of Arizona, in that we find subdivision sixth of section 20 of the Arizona enabling act provides that the State capital shall be located at Phoenix and that no election shall be taken prior to the year 1925 for the removal of said State capital therefrom, and in Article XX of the Arizona constitution the ninth section accepts that provision.

The State of Oklahoma claimed that the Constitution of the United States set out in Article IV, subdivisions 3 and 4, a manner in which a new State might be admitted and that Congress was without power to impose any other conditions by which the State might become a part of the Union. On the other hand, it was contended by the parties to that suit that this was a solemn contract entered into by the State of Oklahoma and it was bound thereby.

Mr. Justice Lurton, of the United States Supreme Court, in deciding that question, held that the provision of the enabling act was a nullity and, in effect, not binding upon Oklahoma, and that Oklahoma was within its rights when it moved its State capital. The decision was that these various conditions that have been imposed upon the States in the enabling act, were binding only in so far as Congress would have the right to control the subject matter in the State of Oklahoma after admission, as in any other State. That is to say, that the provision in section 20 of the enabling act of Arizona, which required in the fifth subdivision that a State shall never enact a law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, etc., is binding in Arizona, not from the fact that it was imposed on Arizona in the enabling act and accepted by the constitution, but rather from the fact that it is a restatement of Section I, Article XV, amendments to the United States Constitution, and therefore it would be binding upon all States.

In discussing this matter, Judge Lurton set out the power of Congress with reference to the admission of new States, as follows:

"The power is to admit 'new States into this Union.'"

"This Union" was and is a Union of States, equal in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new States, might come to be a Union of States unequal in power, as including States whose powers were restricted only by the Constitution, with others whose powers had been further restricted by an act of Congress accepted as a condition of admission. Thus it would result, first, that the powers of Congress would not be defined by the Constitution alone, but in respect to new State, enlarged or restricted by the conditions imposed upon new States by its own legislation admitting them into the Union; and, second, that such new States might not exercise all of the powers which had not been delegated by the Constitution, but only such as had not been further bargained away as conditions of admission."

He then set out an analysis of the subject that was before the court for decision in the following manner:

"In considering the decisions of this court bearing upon the question, we must distinguish, first, between provisions which are fulfilled by the admission of the State; second, between compacts or affirmative legislation intended to operate in future, which are within the scope of the conceded powers of Congress over the subject; and, third, compacts or affirmative legislation which operates to restrict the powers of such new State in respect of matters which would otherwise be exclusively within the sphere of State power."

He then went on and reviewed the decisions that have been rendered since the first States were admitted to the Union, and their bearing on the present case, and finally summed it up in the following manner:

"But in every case such legislation would derive its force not from any agreement or compact with the proposed new State, nor by reason of its acceptance of such enactment as a term of admission, but solely because the power of Congress extended to the subject, and therefore would not operate to restrict the State's legislative power in respect of any matter which was not plainly within the regulating power of Congress. *Willamette Iron Bridge Co. v. Hatch* (125 U. S. 1, 9, 31 L. Ed. 629, 632, 8 Sup. Ct. Rep. 811; *Pollard v. Hagan*, supra.)"

In quoting the decisions from Nebraska, Judge Lurton summed up the net result of this acceptance in this way: "All that was meant by these words was the State acknowledged, as every other State has done, the supremacy of the Federal Constitution, and if the provisions set out were not within such powers, then they are not binding upon the State. He finally summed up the reasoning in the decisions in the quotation from *Lane County v. Oregon* (7 Wall. 76, 19 L. Ed. 104), as follows:

"The people of the United States constitute one nation, under one government; and this Government, within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence. The States disunited might continue to exist. Without the States in union there could be no such political body as the United States."

"To this we may add that the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized. When the equality disappears we may remain a free people, but the Union will not be the Union of the Constitution."

It was squarely decided in this case that Oklahoma had the right to ignore that provision of the enabling act and the acceptance, so far as that particular section was concerned. The principle set down would govern as to the others.

The same principle came up in the case of the United States against *Sandoval* (231 U. S. 28, 58 L. ed. 107) was reaffirmed. This case involved the same enabling act by which Arizona became a part of the Union, except that it applied to the section which affected New Mexico. Sections 1 to 18 of this act refer exclusively to New Mexico, but contain very many of the same provisions and conditions as those applying to Arizona. The act provided that New Mexico must accept by ordinance certain conditions, one of which was that no one should sell, barter, or give intoxicating liquor to Indians or to introduce it into Indian country. New Mexico adopted the Constitution and accepted by irrevocable ordinance, those provisions of the enabling act. Thereafter, *Sandoval* was convicted of introducing liquor into Indian country. The country into which *Sandoval* had introduced the liquor had been previously held by the New Mexico Supreme Court not to be Indian country and the indictment had been dismissed. An appeal was taken to the United States Supreme Court. The question was, Did the enabling act and the Constitution change the previously decided law of New Mexico?

The principle laid down in the *Coyle* case, supra, was restated by Mr. Justice Van Devanter in deciding the *Sandoval* case, on page 111, as follows:

"As was said by this court in *Coyle v. Smith* (221 U. S. 559, 574, 55 L. ed. 853, 860, 31 Sup. Ct. Rep. 688), 'it may well happen that Congress should embrace in an enactment introducing a new State into the Union, legislation intended as a regulation of commerce among the States, or with Indian tribes situated within the limits of such new State, or regulations touching the sole care and disposition of the public lands or reservations therein, which might be upheld as legis-

lation within the sphere of the plain power of Congress. But in every such case such legislation would derive its force not from any agreement or compact with the proposed new State, nor by reason of its acceptance of such enactment as a term of admission, but solely because the power of Congress extended to the subject, and therefore would not operate to restrict the State's legislative power in respect of any matter which was not plainly within the regulating power of Congress. To the same effect are *Pollard v. Hagan* (3 How. 212, 224, 225, 229, 11 L. ed. 565, 571-574; *ex parte Webb*, 225 U. S. 683, 683, 691, 56 L. ed. 1248, 1256, 1259, 1260, 32 Sup. Ct. Rep. 769).

"The question to be considered, then, is whether the status of the Pueblo Indians and their lands is such that Congress competently can prohibit the introduction of intoxicating liquor into those lands notwithstanding the admission of New Mexico to statehood."

In the *Sandoval* case the question was reviewed at some length as to just what was the power of Congress with reference to the legislation as to these Indians. It was held, that notwithstanding the enabling act and the acceptance, Congress had the right to determine this question, and it was a legitimate exercise of the power of Congress and within its jurisdiction, and the State of New Mexico never had any right to decide otherwise. The court directed that the judgment be reversed and to proceed on the indictment to prosecute *Sandoval*.

The Supreme Court of the United States decided in the *Sandoval* case that the part of the enabling act of New Mexico relating to the sale, barter, and the giving of intoxicating liquor to Indians, and the introduction of liquor into Indian Territory, was a subject which Congress had the right to control, or, as Judge Lurton said in the *Coyle* case, "solely because the powers of Congress extended to the subject."

The *Coyle* case and the *Sandoval* case set out the rule that all conditions in the enabling act and the acceptance are not of themselves binding on Arizona, except so far as the matters are within the power of Congress to control, irrespective of the enabling act and the acceptance. The subject matter of the fifth and tenth sections of Article XX of the Constitution must be examined with this rule in mind. If Congress has the right to control such subject matter in any State, a repeal would be of no avail; if not, then a repeal would be within the right and power of the people of Arizona.

#### APPLICATION

The *Swing-Johnson* bill makes the repeal of parts of Article XX important at this time. If for the benefit of a sister State—Arizona—the United States Government indirectly goes into the power business it should have the right to tax the physical property engaged in this power business within Arizona, although the title to the property may stand in the United States. That part of the fifth section of Article XX might be held to stop Arizona from making any such claim if Arizona should make the claim without repealing that part of the section.

The only part of the fifth paragraph which calls for repeal is that which reads as follows:

"No taxes shall be imposed by State upon lands or property situate in the State, belonging to or which may hereafter be acquired by the United States, or reserved for its use."

The remaining provisions in the paragraph are practically a reenactment of the fourteenth amendment to the United States Constitution, or relate to the reserved powers of the Congress of the United States as to the regulation of the Indian. It would therefore seem advisable to pass an act by the eighth legislature, submitting to the people at a special election, the fifth paragraph with the part deleted which is referred to above.

The tenth section of the twentieth article should be repealed in its entirety by an act and submission to the people at a special election. The *Swing-Johnson* bill refers to the section as part of the enabling act and our Constitution, and an attempt has been and will continue to be made to take advantage of the fact as binding Arizona into the conditions of that bill.

In conclusion, it would seem that it would be within the constitutional rights of Arizona, and would be within the moral rights to repeal these two sections for the following reason:

(1) The constitution of Arizona provides, section 3, Article II: "The Constitution of the United States is the supreme law of the land" and by the Constitution of the United States, Arizona is a sovereign State on a parity with every other State of the Union, at this time, except for the ordinance made a part of our Constitution as Article XX.

(2) When the enabling act was passed by Congress, Arizona was a Territory and she was not free to do otherwise than accept the conditions of the enabling act. It was forced on her as a Territory but is not binding on her as a State.

(3) Each provision of Article XX of the constitution of Arizona reenacting these particular mandates in the enabling act in so far as they are not supported by the Constitution of the United States are unconstitutional, not binding upon the State of Arizona, and Arizona has no more moral obligation to carry out than to enforce any other unconstitutional law, and lastly, whatever moral obligation there might be to carry out the provisions of this offer and acceptance as provided in the enabling act and in the constitution of Arizona, are of little weight, since a sister State, California, is attempting to

take advantage of these facts to advance her own interests. When we weigh such equities, it calls for a repudiation of the binding effect of the section.

Respectfully submitted.

A. H. FAVOUR,  
Senator from Yavapai.

Mr. SHORTRIDGE. Mr. President, the proposition may be very briefly stated. I caused to be published in the *RECORD*—Senators will find the matter on page 318—the provision in the act admitting Arizona into the Union, which was passed June 20, 1910. I also caused to be printed Article XX of the constitution of Arizona. I need not take up the time of the Senate to read them again. Thereafter, and within the time provided, the Government exercised its reserved right specifically mentioned in the enabling act and in the constitution of the State. Arizona rapped at the door and craved admittance into the Union. It was admitted upon certain terms and conditions, which took on the form of a contract, an agreement, honorable and proper. The Government of the United States has observed that agreement, that contract, which, I repeat, was honorable to both parties and just and prudent and wise.

Now, what is Arizona asking? What has it done? I regret to say that it has, I think, in the past attempted to violate that primary agreement, and I think it is now asking to be relieved from that agreement. Frankly, and with the respect due to that State—

Mr. ASHURST. Mr. President, I know the Senator has only a moment, but will he yield to me?

Mr. SHORTRIDGE. I will take some of my 15 minutes if it be necessary, but what is the question? The Senator will pardon me.

Mr. ASHURST. The able Senator has stated that Arizona has attempted to violate her agreement. On the contrary, we are certain that the Federal Government did not make the reservation within the five years and that the Federal Government is attempting to violate its own agreement and take advantage of its own laches. Of course, that can never be settled except by the court of last resort. We are not attempting to violate our agreement, but since the Federal Government did not make the reservation within the time, we are not bound by it. That is all. I thank the Senator. I will interrupt him no more.

Mr. SHORTRIDGE. Mr. President, the Senator from Arizona the other day made the same remark in substance. I caused to be printed in the *RECORD* the documents showing the official acts of the Federal Government, and it has always been claimed by the Government, I venture to claim to-day, that the Government took appropriate official action within the time provided by the constitution of Arizona and in the act admitting Arizona into the Union.

Mr. ASHURST. Mr. President, will the Senator from California again yield to me?

Mr. SHORTRIDGE. Certainly.

Mr. ASHURST. Of course, the Senator from California and every other Senator is justified in reposing reliance on the printed word of the Government, but in so far as the record says the Government "got under the wire" in time, the record is a forgery which was committed in the General Land Office. The date is not right; but after the Government had failed to come in within the time, it prepared a document and dated it back, so that it could say to the wayfaring man, "We got under the wire"—if Senators will pardon that expression—"within the time." Arizona has never "welched"—everybody here knows what that is—and Arizona is not attempting to get out of her agreements or contracts. The Federal Government, through its delay, its remissness, failed to reserve the lands within the five years. It then forged a document to make it appear and to pretend that it had gotten in within the five years. We do not yield any respect to forged documents.

Mr. SHORTRIDGE. Mr. President, I am not here now to defend the Government as against the charge made by the Senator from Arizona, but, as a Senator, I am warranted in presuming the truth of the official documents which are brought here to our official attention.

Mr. ASHURST. The Senator is justified in presuming that they are correct.

Mr. SHORTRIDGE. We are entitled to assume and presume their correctness. In point of truth, I am not able to enter into a controversy with the Senator as to the facts, but on behalf of the Government and on behalf of those who represented it, I respectfully deny—and without adjective or adverb—the statement or charge of the Senator from Arizona, more or less emotional for the moment. The contention is, however—

Mr. HAYDEN. Mr. President, will the Senator from California yield to me?



Mr. SHORTRIDGE. Pardon me for just a moment. The contention now is that the Government never kept the agreement. The proposed amendment of the Senator, I presume, proceeded upon the theory that the Government had observed the agreement and that Arizona wanted to be relieved.

Mr. CARAWAY. Mr. President, may I ask the Senator from California a question?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. I am perfectly frank to say that I myself do not see the materiality of this matter, any way. What harm, if the amendment be adopted, would come to the project? I fail to understand that.

Mr. SHORTRIDGE. Out of abundance of caution, I say to the Senate, it was deemed wise to put this provision in the bill, a provision to the effect nothing in the act should be construed as a waiver by the Federal Government of any rights, whatever it might have, growing out of paragraph 7 of section 20 of the act for the admission of Arizona and by the tenth paragraph of Article XX of the constitution of Arizona.

Mr. CARAWAY. If the Senator will be patient with me, what I am trying to find out is this: Is there any contention that the Government is about to lose some tangible rights under this bill?

Mr. SHORTRIDGE. I will answer the Senator with perfect candor. I know of no rights which it could lose, if it has them, but it has been asserted here again and yet again that it would be prudent, it would be judicious specifically to set out that no right was waived by the passage of this bill.

Mr. CARAWAY. In the interest of harmony and since the Federal Government is the stronger of the two agencies, would it not be the wiser course to protect the State against some possible harm that might come to it by leaving the language as it is? It can not affect the construction of the dam or any activities that the Senator wants under it.

Mr. SHORTRIDGE. If I grasp the force of the Senator's question and observation, I think the language of the bill as it is now should remain; that it does not injure anybody, but preserves, out of abundance of caution, the status quo of rights which may exist.

Mr. CARAWAY. What I am trying to get at, though possibly not very happily, is this: The Senator from Arizona thinks that it affects the rights of Arizona.

Mr. SHORTRIDGE. Evidently he does.

Mr. CARAWAY. Yes. Of course the Senator from California does not think so, nor does he believe the rights of the Federal Government would be jeopardized if that language in the bill were stricken out. I heard him use the expression "out of abundance of caution." What I am trying to say—and I repeat perhaps I am not saying it very happily—is that where there is a possible right of a State and a possible right of the Federal Government, would it not be more generous and wiser to be certain to protect the right of the State in enacting legislation because the Federal Government is the agency which is enacting it? That is the way it appeals to me.

Mr. SHORTRIDGE. Theoretically, some preference might be given to the supposedly weaker of the two, but before a court, in my mind, they would stand equal.

Mr. CARAWAY. At least the Federal Government is exercising the authority to enact this legislation.

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. The State of Arizona is not asked to assent to it. It is the stronger, the centralized government, that is proposing to do it. Under those circumstances, if the question should arise whether the Federal Government or the State of Arizona would most suffer, would it not be the proper thing to do to guard the right of the State, which is not moving in the case at all?

Mr. SHORTRIDGE. There is another thought which with me is controlling. During the earlier hearings on this bill, some time ago, I caused this matter to be brought to the attention of the committee, and in the records of the committee these provisions will be found.

Mr. CARAWAY. I understand that, and the Senator, I am sure, actually sets forth the reasons that impelled the committee so to act. I have such a very great regard for the highly sensitive attitude of the Senator toward the rights of the people who may be affected by legislation that it appeared to me, inasmuch as Arizona is not moving and the Federal Government is moving in the matter, if the rights of either might be jeopardized, the rights of the State ought not to be, because it is not asking for the legislation.

Mr. SHORTRIDGE. My view, to sum up, is this, that here was a contract entered into between a State about to enter into the Union—

Mr. CARAWAY. And with all due deference, the Senator absolutely knows that it had to accept the conditions imposed by Congress.

Mr. SHORTRIDGE. I grant that.

Mr. CARAWAY. It is not a contract in the sense that it was voluntarily entered into.

Mr. SHORTRIDGE. It was very willingly entered into.

Mr. CARAWAY. That would be a conclusion.

Mr. SHORTRIDGE. It was very willingly entered into because the pioneer men and women of the then Territory of Arizona were anxious to have their form of government changed into that of a State and to become a member of the Union.

Mr. CARAWAY. They—

Mr. SHORTRIDGE. Pardon me for just a second.

Mr. CARAWAY. Certainly; and then I hope the Senator will pardon me.

Mr. SHORTRIDGE. Thereupon the act admitting Arizona contained this provision.

Mr. CARAWAY. And Arizona could get into the Union only by accepting it.

Mr. SHORTRIDGE. Arizona proceeded in good faith to adopt her constitution. The Government, I think, in good faith exercised its rights under the contract; and I think that, as of to-day, that State through her Senators is asking to be relieved from that contract—

Mr. CARAWAY. I think I understand the Senator.

Mr. SHORTRIDGE. And they couple it now with the charge of fraud on the part of the Nation.

Mr. CARAWAY. Here is what I am coming back to again: I entertain very decided opinions along this line. Where the Federal Government deals with a Territory that seeks admission, and it imposes conditions which are sometimes both harsh and unjust, the Territory must accept them to get into the Union. At one time we argued with the Government in my State. The North said we could not go out of the Union, and then they said we were out and we could not get back unless we would ratify certain amendments to the Constitution, which could only be done by States. They said at first that we could not go out, and then that we were out and could not get back.

Mr. SHORTRIDGE. I have always contended that you never were out, and I rejoice that you are in.

Mr. CARAWAY. We were compelled to ratify certain amendments to the Constitution before we could get back. The Senator will agree with me that sometimes the stronger of the two imposes upon the weaker unreasonable conditions. When we are dealing with such a situation I am always very tender, indeed, of the rights of a State, whether it be California or Arizona. I never saw either of those States; there have been so many places where I would rather go that I have never gone to either one of them—

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. SHORTRIDGE. On the amendment?

The PRESIDING OFFICER. On the amendment.

Mr. SHORTRIDGE. Then I will take a few moments on the bill itself.

The PRESIDING OFFICER. The Senator from California is recognized on the bill.

Mr. SHORTRIDGE. Solely to reply to my friend from Arkansas.

Mr. CARAWAY. I did not mean to consume so much of the Senator's time.

Mr. SHORTRIDGE. The Senator from Arkansas really consumed most of my time, and it was much better consumed than if I had been speaking.

No one, Mr. President, I venture to say, has more pronounced, definite, fixed notions in respect of the rights of the States of the Union than I have.

Mr. CARAWAY. I am conscious of that. I have a very great respect for the Senator.

Mr. SHORTRIDGE. I once advanced some views here with respect to the right of a State to choose its own Senators; and in other tribunals I have stood up for the rights of States to legislate in respect the ownership, the leasing their own land. But with me to-day the point is not a question of preferring the weak or favoring the strong. I think there was an honorable agreement entered into. I think it was wise. I see nothing in it that is unjust, nothing whatever; wherefore I think the bill should remain in the form in which it was framed and reported by the committee.

Mr. CARAWAY. I only interrupted the Senator because I thought he was departing from the doctrine he has so ably maintained heretofore, and I regretted to see him do so.

Mr. WALSH of Montana. Mr. President, I have before me now the provision of the enabling act, which reads as follows:

There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State.

That was the right reserved to the United States. Grants of land were made; and although those lands were selected by the State of Arizona, yet the United States might, notwithstanding that selection, at any time within five years thereafter, reserve those lands for water-power development. Whether the State of Arizona did or did not exercise that right with respect to certain lands within the period of five years is entirely irrelevant now. Whatever right the United States had in the matter expired more than 10 years ago. What right has the United States now under that act that could possibly be waived by this bill?

Mr. SHORTRIDGE. Mr. President, the Federal Government may have so acted as to acquire rights which became vested and continue vested.

Mr. WALSH of Montana. Of course they continue vested. The Government of the United States has no more rights. It has withdrawn those lands, so that the State of Arizona did not get them, but got lieu lands in place of them. All of its rights are gone. There are not any more rights in the United States. It is expressly limited to the exercise of its rights within five years, so that this being an annoyance to the people of Arizona, apparently, and since there are no possible rights in the United States, why should we say here that the United States reserves some rights under that act?

Mr. SHORTRIDGE. The bill does not say so. The bill says, if the Senator will be good enough to turn to the language—

Mr. WALSH of Montana. It says:

Nothing in this act shall be deemed to waive or change any of the rights or powers reserved or granted to the United States by paragraph 7—

And so forth.

Mr. SHORTRIDGE. All right. Then, if the United States has no rights, no harm is done; but, if she has rights, this provision is placed in the bill out of abundance of caution and to make it plain that she waives no rights.

Mr. WALSH of Montana. But let the Senator tell us what rights the United States has that could possibly be waived?

Mr. SHORTRIDGE. The rights which grew out of the exercise of the reserved power.

Mr. WALSH of Montana. But the right granted is the right to reserve these lands; and if the Government did not exercise that right within five years with respect to any lands, it has not any more rights under this act.

Mr. SHORTRIDGE. The Government did exercise the power, and made certain reservations.

Mr. WALSH of Montana. Exactly; so that it has those rights.

Mr. SHORTRIDGE. Why does the Senator insist, then, that the Government has no rights?

Mr. WALSH of Montana. It has no further rights under this act. It has exercised all the right it has. It has withdrawn lands, and the State of Arizona has lieu lands in place of them. The act is functus officio.

Mr. SHORTRIDGE. It may be quite unnecessary; but I do not follow the Senator's reasoning when he insists that the Government now has no rights. The Government had a right to do something.

Mr. WALSH of Montana. It had a right to withdraw the lands, and it did that. That ends it.

Mr. SHORTRIDGE. We wish nothing in this bill which will be construed as impairing the rights of the Government, rights which the Government acquired by the timely exercise of the right to withdraw certain lands.

Mr. WALSH of Montana. The rights of the Government have already been fixed. The right granted by this act is the right to withdraw lands.

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Montana. And we propose not to waive any rights that the Government has to withdraw lands; but it has not any rights to withdraw lands, and has not had for 10 years.

Mr. SHORTRIDGE. But it did withdraw lands, and it may be argued—

Mr. WALSH of Montana. I decline to discuss the thing further.

Mr. SHORTRIDGE. I did not provoke this discussion with the Senator. I did not start it, nor do I care to prolong it.

Mr. ASHURST. Mr. President, the question which has almost as much importance as the lands involved is as follows: Is Arizona attempting to escape from or avoid any of the provisions of the enabling act?

Mr. SHORTRIDGE. Yes.

Mr. ASHURST. Mr. President, I read from the enabling act the operative part of the provision in question:

There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State.

Did the Federal Government, through its appropriate officers, within the five years from and after the date of the issuance of the President's proclamation, withdraw the lands in question?

Mr. SHORTRIDGE. That is a question of fact; is it not?

Mr. ASHURST. Yes.

I read from a dispatch to the Los Angeles Times. Let me say that whether we quarrel with the Los Angeles Times or not over its political philosophy, it is a very enterprising journal and makes a reasonable attempt to be accurate. Although it for more than 20 years has opposed my political pretensions, I am willing to say that it attempts to be accurate.

I quote from a dispatch to the Los Angeles Times dated December 18, 1924:

In the United States Land Office there has been found an interesting error on the notation of the tract books covering the Colorado River area, this being a statement that withdrawal of water-power sites by the National Government has been made on February 19, 1917. The real date of withdrawal has been found to have been February 9, a matter of large importance as affecting Government ownership of all the Colorado River power dam sites. The President of the United States issued his proclamation February 14, 1912, and the 5-year limitation would have expired February 14, 1917.

The officials of the Government on February 19, or five days after the time expired, learning of their remissness, delay, and neglect to withdraw the lands in question within the time, erased the numeral "1," leaving the numeral "9"; and by the act of erasing the numeral "1" in front of the "9" they caused the record apparently to say that the withdrawal was made within the time. But by the erasure of the numeral "1" which was an improper, if not an unlawful act, the Federal Government claims that it withdrew the lands five days before the time expired.

It is of no utility to say that Arizona has failed to keep her agreements. I am not charging that the State of California, through its Senators and Representatives, knew of or had the slightest suspicion of this unlawful act; but it does not become those who base their title upon a fabricated entry to look at us and cry out "Welsher!" Clean your own hands of improper acts before you accuse others of not keeping their compacts with the Federal Government.

When the Federal Government failed to make the withdrawals within the five years, Arizona was no longer bound.

This dispatch says, further:

The President issued his proclamation on February 14, 1912, admitting Arizona. The 5-year limitation expired February 14, 1917. The tract books would indicate that the reservation was made five days too late.

I am reading from page 238 of a work entitled "The Colorado River Compact," by Renel Leslie Olson.

Mr. WALSH of Montana. Mr. President, does the Senator agree that it does not make a bit of difference whether it was within or without the time, so far as this question is concerned?

Mr. ASHURST. I do; and if the Government did not make the withdrawal within the time, it is now too late.

Mr. WALSH of Montana. And if it did not, the time is gone?

Mr. ASHURST. If it did not, the time is gone.

Mr. WALSH of Montana. But is it material for this matter that is before us now?

Mr. ASHURST. No.

The PRESIDING OFFICER (Mr. Fess in the chair). The question is on the amendment offered by the Senator from Arizona [Mr. ASHURST] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. JOHNSON. Mr. President, I believe the Senator from Utah [Mr. KING] has certain amendments to offer.



Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.  
The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following paragraph:

Nothing herein shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement.

Mr. JOHNSON. Mr. President, with the understanding that the verb relates to the present—the rights they now have to do all of the things that subsequently follow—I have no objection to the amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Utah [Mr. KING] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, yesterday an amendment was agreed to, and inadvertently the words "have the right to" were omitted from the amendment. I recur to the amendment, and ask to insert those words, so that the amendment will read:

Any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act.

The words "shall have the right to" were omitted.

Mr. JOHNSON. There is no objection to that amendment.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent to reconsider the action by which the amendment on page 20, after line 20, was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is upon the modification stated by the Senator from Utah.

The amendment to the amendment was agreed to.

The amendment, as amended, to the amendment in the nature of a substitute was agreed to.

Mr. JOHNSON. The Senator from Utah has two other amendments, I think, upon which substantially we have agreed, and he can present them. While he is looking for them, however, I will present an amendment that was offered the other night that has perhaps little to it, but it is desired by certain parties.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. As a new section at the end of the bill insert the following:

Sec. 16. Nothing in this act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Mr. KING. My understanding has been that some amendment would be offered which would be an admonition to Mexico that the waters of the Colorado River are claimed and have been claimed by the United States, unless, perhaps, the limited quantity heretofore used for beneficial purposes in the Republic of Mexico.

Mr. JOHNSON. This amendment does not affect that matter. It would have to be covered by a different amendment entirely. No amendment of that sort has been offered, for reasons which I think confidentially can be conveyed to the Senator from Utah by the Senator from Colorado.

Mr. PHIPPS. May I call the attention of the Senator from Utah to the language in section 1 of the bill, which provides that the water shall be used exclusively within the United States.

Mr. KING. I am familiar with that. But let me ask the Senator from California, does not this amendment which he has just offered confirm, or is it not a recognition of, the claims of Mexico to water already used, or which she claims to have used in Mexico?

Mr. JOHNSON. Specifically, no.

Mr. KING. I would not be in favor of any amendment which would indicate that we concede any right to Mexico to use the waters of the Colorado River.

Mr. JOHNSON. I quite agree with the Senator from Utah. This is innocuous, in my opinion, but is desired by certain people who are interested in having it inserted in the bill.

Mr. WALSH of Montana. In view of this discussion, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. The proposed amendment is to add as a new section at the end of the proposed substitute:

Sec. 16. Nothing in this act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Mr. McKELLAR. Mr. President, I did not hear the word after "denial." Will not the clerk read the amendment to the amendment again?

The amendment to the amendment was again read.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. KING. Mr. President, I offer the following amendment, which has been submitted heretofore and read.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. Add at the proper place in the proposed substitute the following paragraph:

That the consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this act for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

Sec. 2. Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

Sec. 3. No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. KING. I move the adoption of the amendment to the amendment.

Mr. JOHNSON. I have no objection.

The amendment to the substitute amendment was agreed to.

Mr. KING. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Utah offers another amendment, which the clerk will report.

The CHIEF CLERK. On page 8, line 2, after word "shall," insert the words "be made with a view to obtaining reasonable returns and shall."

Mr. JOHNSON. I have no objection.

The amendment to the substitute amendment was agreed to.

Mr. KING. Mr. President, the Senator suggested that in the amendment adopted a moment ago the sections should be indicated as "(a)" and "(b)" instead of using numerals. I have no objection to that being done.

Mr. JOHNSON. Mr. President, so far as I am aware, the amendments are concluded now.

Mr. REED of Pennsylvania. Mr. President, I send to the desk an amendment.

Mr. WALSH of Montana. Before that is considered, may I inquire what was done with the amendment offered by the Senator from Utah providing for further compensation?

The PRESIDING OFFICER. It was agreed to.

Mr. JOHNSON. It is purely permissive.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Pennsylvania to the substitute amendment.

The CHIEF CLERK. The Senator from Pennsylvania moves, after section 5, to insert a new section, as follows:

It is hereby declared to be the policy of this act that the construction of any plant for the generation of electrical energy shall be undertaken by the United States only in the event that satisfactory contracts for the construction and operation of such a plant or plants can not be made with States or governmental subdivisions of States or with private persons or corporations upon conditions prescribed by the Secretary of the Interior.

Mr. JOHNSON. Mr. President, first, I want to make the point of order that substantially that amendment was offered yesterday. As I recall it, however, it was subsequently withdrawn, was it not?

Mr. PHIPPS. That is correct.

Mr. JOHNSON. If it was withdrawn, I am not permitted to make the point of order.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania to the amendment.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	King	Sackett
Barkley	Gerry	La Follette	Sheppard
Bingham	Gillett	McKellar	Shorridge
Black	Glass	McLean	Simmons
Blaine	Glenn	McMaster	Smith
Blease	Goff	McNary	Steck
Borah	Gould	Moss	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norris	Swanson
Bruce	Harris	Nye	Thomas, Idaho
Capper	Harrison	Oddie	Thomas, Okla.
Caraway	Hastings	Overman	Trammell
Couzens	Hawes	Phipps	Tyson
Curtis	Hayden	Pine	Vandenberg
Deneen	Heflin	Pittman	Wagner
Dill	Johnson	Ransdell	Walsh, Mont.
Edge	Jones	Reed, Pa.	Waterman
Fess	Kendrick	Robinson, Ark.	Watson
Frazier	Keyes	Robinson, Ind.	Wheeler

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

Mr. JONES. Mr. President, I ask that the amendment be read again, so that everybody may understand what it provides.

The PRESIDING OFFICER. The clerk will read the amendment to the amendment.

The amendment to the amendment was again read by the Chief Clerk.

Mr. REED of Pennsylvania. Mr. President, I do not mean to take more than a few minutes in the discussion of this amendment. Recently, in questioning the proponents of the pending measure about the intention of the bill regarding the construction of this electric-power plant, we were told that the construction of the power plant is essential to the success of this entire project, and that therefore an option is given by the measure to enable the Government to build the plant in case satisfactory arrangements with the States or municipalities or private persons can not be reached, the idea being that that option is necessary in order to fortify the Secretary in his negotiations with the States or with the cities or with private individuals; in other words, that the Secretary could not drive a good bargain with them for the construction and operation of the plant unless he had reserved an option for the Government to do it itself. Having that option, we were told, better terms could be secured from the private interests or the States or the municipalities in the making of that contract.

Some of the supporters of the bill are frank enough to admit that it is their expectation and hope that the Government will at once plan to build this electric-power plant and generate electric power for sale without even trying to have it done for us by the States involved or by the cities involved or by any private organization.

All that this amendment proposes is to declare it to be the policy of the Government of the United States that if a satisfactory contract can be made with somebody else to take the water and operate the plant, that is a preferable solution to the expenditure of Federal money and the conduct of the business by the Federal Government. It in no way abbreviates the powers of the Secretary of the Interior as they stand in the bill now under consideration, but merely declares the preference of Congress for private operation of that industry or operation by the States or municipalities concerned, and declares it to be our policy that only as a last resort shall the Federal Government go into that industry.

Mr. NORRIS. Mr. President, I think the amendment is perfectly clear and that the statement of the Senator from Pennsylvania is equally clear as to the policy described and outlined in the amendment. So far as I am concerned, I am opposed to the policy the Senator has outlined. If the Government of the United States is going to spend the money to build this great dam, it seems to me it ought to build the entire thing. It ought not to be farmed out in piecemeal.

The real reason for this legislation, as I look at it—and it is one of the most impelling and forceful reasons that has ever moved me in my legislative experience—is to save Imperial Valley from damage by flood. I think that is the fundamental reason why the Government of the United States should back up the proposition. If we do not legislate for the building of a dam that will hold back the flood waters, then we ought to go into the Imperial Valley and buy all the property that is there for what it is worth and let that country become a part of the ocean. It is a mammoth undertaking beyond the capability

of any municipality and perhaps most all private corporations. But if we are going to build the dam for flood control and know full well that incidental to that construction there is going to be a large amount of electric development, we would, of course, be foolish to build the dam and not utilize the electricity it develops. The question comes, How can it be done most economically, and how can this electricity get to the real consumers at the lowest possible price?

If the Government of the United States is going into this business at all and use the taxpayers' money to go into it, then it is the most economical thing, it seems clear to me, that we should build the entire work, for electrical development and everything else, as one great big unit. For that reason we ought not to use the money of the people, it seems to me, to construct the property and then let out to private people for private gain something that will come as an incident to the expenditure of public funds.

The provision in the amendment is that the work shall be undertaken by the United States only in the event that satisfactory contracts for the construction and operation of such plant or plants can not be made with States or governmental subdivisions of States or with private persons.

It seems to me it is perfectly clear that no State is so fixed that it can make this development. California can not do it. I presume they would have to have an amendment to their constitution first. They would have to go into two other States to construct the property. No State has shown a disposition to build the dam or to construct these works for the development of electricity. No division of a State can do it even if it were to be admitted for the sake of argument that a municipality is a division of a State. I suppose the Senator from Pennsylvania means to include municipalities although he does not name them as such, but I am assuming that is his object. The city of Los Angeles could not go in there and build the plant. It would be objected to, and I think properly so, by other States who are entitled to a part of the electricity. It would be the same thing if any State undertook it, and we would get down to the point where we would have to get a combination of all the States interested in order to do it.

So the amendment reduces itself, as I look at it, to the point that we have nothing left in it except private persons or corporations. In other words, it means that the Government of the United States shall not construct any works there to generate electricity if any private corporation will do it.

In the first place, I think that would be uneconomical. It is dividing the work into at least two units and perhaps more. It would not be efficient. In the next place, it would not give ultimately to the consumers of electricity the current as cheaply as they would get it if the Government built the generating plant. In the third place, it is using the funds of the Government of the United States to make the initial investment to build the dam that is necessary and essential if any electricity is to be generated there—building the dam by the use of public funds, the taxpayers' money, and the benefits accruing then to private corporations for private gain.

I am not finding fault with the private corporations or individuals who are engaged in this business, a perfectly respectable and perfectly honorable business, but it seems to me fair, if they are going to do it that their money ought to be invested. If the Government goes into the business of constructing the dam, it ought to construct the generating works which, as a matter of fact, will be a part of the dam itself if properly built. I take it that the generating works will probably be a part of the dam. It will be a part of it from the very beginning of the plans, and all work and everything else will revolve around that proposition.

The bill is constructed on the theory that out of the sale of electricity we are going to pay the taxpayers' money back to them, so that as a proposition it can not, for practical purposes and efficiency purposes, be divided. When the Government once has the generating plant built, at the same time and as a part of the dam itself, and comes to sell it, it ought to give the States and parts of States and municipalities the first opportunity to get the electricity that will be generated there by public funds. What does not go to them may be given to anybody who will take it, private corporations as well as others.

That being the case it strikes me that it would be the height of folly, it would be entering upon an inefficient and uneconomical venture to say, to begin with, that when we are building this mammoth dam that part of the dam which is going to generate electricity, that will have to be started soon as the dam is started, is going to be leased or turned over to private parties and to private corporations for their private gain.

It seems to me, for the various reasons I have given, that the amendment ought to be defeated and ought not to be engrafted as a part of this legislation.



Mr. REED of Pennsylvania. Mr. President, the difference between the Senator from Nebraska and myself—

Mr. NORRIS. Mr. President, I have no objection to the Senator from Pennsylvania speaking, but I want to give notice that I shall demand the same right if he speaks a second time.

Mr. REED of Pennsylvania. I might have notified the Senator from Nebraska in the same way when he began to speak.

Mr. NORRIS. But the Senator from Nebraska has spoken only once and the Senator from Pennsylvania has spoken once. I do not object to the Senator from Pennsylvania speaking again if that rule is going to be applied to all alike.

The VICE PRESIDENT. Under the unanimous-consent agreement under which we are working the Senator from Pennsylvania is not entitled to recognition at the present time.

Mr. REED of Pennsylvania. I did not understand that there was any such agreement.

The VICE PRESIDENT. The Senator from Pennsylvania can not proceed if there is objection.

Mr. PITTMAN. I object to violating the rule, of course; but I suggest that the Senator from Pennsylvania may take 15 minutes on the bill.

The VICE PRESIDENT. The Senator from Pennsylvania has exhausted his right to speak on the amendment, but he is entitled to 15 minutes on the bill.

Mr. REED of Pennsylvania. I did not know the terms of the unanimous-consent agreement, and I had no intention of taking more than three or four minutes.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 15 minutes on the bill.

Mr. REED of Pennsylvania. The difference between the views of the Senator from Nebraska [Mr. NORRIS] and those of myself is fundamental. He believes that it is better for the people of the United States that they should build and operate the generating plant. On the contrary, I believe that it is better for all the people of the United States if it can be done by private enterprise, and that it is wiser to do so. I respect the honesty of the Senator's views and know he respects mine.

We have no difference in our views as to the necessity for flood prevention and the erection of a dam out of public moneys for that purpose. I do not think we have any difference in our views as to the propriety of the storage of water for irrigation, although we must all realize that we are adding to agricultural lands, increasing agricultural surpluses, and increasing to that extent the problem of surplus crops which confronts us now in the farm problem. But we all concede that that surplus is a temporary thing and that in the last analysis America will be greater as the number of fertile acres is greater. So I am glad to see the irrigation project adopted as a part of this plan.

I am willing to agree that the supply of pure water for domestic use is a governmental function and though it is ordinarily done by municipalities, the situation here being of an interstate character, the problem justifies the expenditure of Federal money for the solution of the problem.

Mr. WALSH of Montana. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Montana. I should like to inquire of the Senator if he has any information concerning the practicability, from the standpoint of economy, of the construction of the dam by the Government and the power plant by some one else?

Mr. REED of Pennsylvania. In that regard I am depending on the proponents of the bill, who give the option to the Government, give an alternative right to the Government to do the work either by private operation or by public expenditure.

Mr. WALSH of Montana. But likewise, Mr. President, if the power plant is to be constructed as a separate proposition, of course, it would be owned under permit and occupied by the corporation if a corporation should construct it.

Mr. REED of Pennsylvania. No; I do not concede that.

Mr. WALSH of Montana. If it is built by a private company it must belong to the people who furnish the money.

Mr. REED of Pennsylvania. It might be built like a toll bridge, and become public property after it amortizes itself. That is left to the discretion of the Secretary of the Interior. He could make that a part of the contract if he wished to do so.

Mr. WALSH of Montana. Yes; but conceivably the power plant might be built in connection with the dam, and it would be impossible to segregate the two properties.

Mr. REED of Pennsylvania. That is conceivable but not necessarily impossible, and I accept the view that it is not impossible because the proponents of the bill themselves have stated it in the alternative as to whether Government shall or shall not spend its money for the construction of the plant. All I am trying to do in this amendment is to say that we prefer that this horn of the dilemma shall be taken instead of the

other; that this solution between the two alternatives is preferable to Congress and leave it wholly to the discretion of the Secretary as to whether he shall impose such terms as may make it impossible to get any private bidder.

Mr. NORRIS. Mr. President—

Mr. REED of Pennsylvania. Just a word and I shall have finished.

Mr. NORRIS. Mr. President, I wanted to ask the Senator a question. I do not want to get the floor, but I should like to interrupt the Senator if he will permit me to do so.

Mr. REED of Pennsylvania. Certainly.

Mr. NORRIS. I want to ask the Senator if he thinks it is possible or practicable to construct a dam for the generation of electricity by water power and have, for instance, the water wheel that operates the machinery outside of the dam itself?

Mr. REED of Pennsylvania. Absolutely. It is done at Niagara Falls and it is done in perhaps a thousand other places.

Mr. NORRIS. There is not a plant at Niagara Falls or at other places, either public or private, which I have seen—and I have seen many of them—where the water wheel and apparatus for generating the electricity are not within the dam. In the Muscle Shoals Dam it is all inside one great structure. There is a building outside of that, it is true, where there is a lot of machinery and indicators, but I should like to have the Senator tell how as a practical, efficient, economical proposition it is possible to separate the two.

Mr. REED of Pennsylvania. It may be done very easily, Mr. President. If the Senator will think about the situation at Niagara it illustrates the situation. The electricity is going to be generated where the turbines are, at the foot of the chute of the water that produces the power that revolves those turbines. That may be in the dam itself, as at Muscle Shoals; it may be in a cliff a mile or more from the waterhead, as at Niagara Falls; it may be 25 miles from the dam, as in certain cases that I think of in California.

Mr. NORRIS. That is where a race, as it is called, is built; but does the Senator believe that where this dam is to be constructed at Boulder Canyon between massive walls on each side there will be any such thing?

Mr. REED of Pennsylvania. No; Mr. President—

Mr. NORRIS. I am satisfied that it will be like, for instance, the Muscle Shoals plant. There will not be any such thing as a mill race, but the water will go right down through the dam itself and the water wheel will be a part of the dam.

Mr. REED of Pennsylvania. Of course, I do not know the engineering decisions that will be reached.

Mr. NORRIS. Neither do I know.

Mr. REED of Pennsylvania. But we can make water flow down any hill. It just depends upon where the hill is made from which it shall flow; and it can go down through a chute or the side of a cliff 25 miles way. It is easily practicable.

But now, to finish what I was about to say, this amendment in no way would interfere with the discretion of the Secretary of the Interior in the imposition of any condition that his discretion might prescribe; and that would include a regulation of the rates to be charged, of the service to be rendered, of the method by which and rate at which the investment should be amortized and ultimately returned, as we provide in the case of toll bridges, to public ownership. Any safeguard that occurs to the Secretary of the Interior might be provided. All that the amendment does in effect is to say that we shall save \$38,000,000—I think that is the correct amount—out of the Government's first expenditure; we will let that expenditure be provided out of State or county or city or private capital and not take it from the Federal Treasury; and we will regulate the business conducted there as we see best to regulate it, but not own it.

Those of us who believe that the utilities had better be operated by the Government than by private industry under regulation will doubtless vote against the amendment, but those of us who believe it is better to preserve private initiative, to use private capital, and to regulate it sternly in its relations to the public, will, I think, prefer to have this declaration of policy in the act.

Mr. JOHNSON. Mr. President, from one standpoint it is rather unfortunate that the question is raised and that the amendment has been presented by the Senator from Pennsylvania. I mean from the standpoint of the passage of the bill, for at the time this amendment was offered the bill was ready for passage; but much, sir, as I desire the passage of the bill, however my heart and my emotions may be enlisted in its behalf, I want to express my admiration for the Senator from Pennsylvania for asking that the Senate declare now, in connection with the greatest water-power development that the Government has ever undertaken, the policy which shall be pursued. The Senator from Pennsylvania has brought the issue before us; without his amendment the issue would not have

been before the Senate at all; but here it is. Men who have opinions and men who believe in policies for the Government that shall protect the people necessarily now upon the amendment of the Senator from Pennsylvania must take their stand.

I have not concealed from the Senator from Pennsylvania nor from this body my predilections, my inclinations, or my desires. I said the other day, when speaking here upon this subject late in the afternoon, just what was in my mind and just what I should like to see done. So far as I am concerned, sir, I would prefer that the Government of the United States, expending the enormous amount of money that will be expended for this dam, should from the standpoint of economy, from the standpoint of protection to our people, from the standpoint, indeed, of the welfare of every State that is contiguous to the Colorado River and is interested in its development, and from the standpoint of a rational and enlightened public policy—I would prefer that the Government of the United States building the dam build as well the generating plant. I desire, if that can be accomplished, that it may be done. I have never concealed this view. It is mine now, as it has always been in the past.

Now, it is sought by the amendment that is presented to declare upon the part of the Government of the United States, no matter what may be the surrounding circumstances, a policy which in the days to come shall constitute, so far as the Senate can constitute it, the definite and definitive national policy in relation to water power, its development, its distribution, and the like.

This is not a question, I make perfectly plain to you, of the Government going into business; this is not a question, I reiterate, of Federal public ownership as such. I would not care if it were, but that is apart from the particular proposition. The amendment which is now presented involves neither the one nor the other—the Government going into business or the endeavor to throttle in any degree private enterprise.

Whence came the desire for the Government of the United States to erect a generating plant at this dam? Who was it who proposed it? A radical from the Northwest or one from the Pacific coast? Not a bit of it. The idea of erecting a generating plant by the Government of the United States at Boulder Dam came first from the Federal Power Commission itself. It came next from the Secretary of the Interior, who, my friends upon this side will agree, has just conducted a magnificently successful political campaign in this Nation. It came, too, from all the officials of this Government who had examined the bill in question or who had rendered any opinion upon it. I call to witness in this behalf the letter originally written to Chairman McNARY, of the Irrigation and Reclamation Committee, by Mr. Merrill, the secretary of the Federal Power Commission. No public-ownership man is he; he is not a gentleman who would interfere with private initiative or the right of private enterprise to generate power, but when he wrote upon this subject the views of his superiors, three Cabinet officers, remember, and himself, he said:

If it is deemed desirable that the construction of the dam be financed by the United States, particularly if some such plan of financing as hereafter suggested is adopted, I believe it would also be desirable for the United States to finance and construct the power plant and the high-tension transformer and switching stations just as it has done at Muscle Shoals; to lease the works for operation when completed, and to require its lessee to build and operate the necessary transmission lines, substations, and distribution facilities. Such a procedure would, I believe, obviate many complications that might otherwise exist, make easier the problem of financing the work to be constructed by the lessee, and give more assurance of adequate and early utilization of the resources available.

We begin, therefore, with the Federal Power Commission in the history and evolution of a generating plant at Boulder Dam. We find that commission recommending that the Government build it. Then as we proceed the Secretary of the Interior, after consultation undoubtedly with his colleagues, renders his opinion in a writing expressing the desire of the present administration and the Government. This is what he wrote upon this bill and the construction of a generating plant:

The building of a unified power plant by the Federal Government in the place of allocating power as proposed in the bill as regarded as more efficient and cheaper. It will obviate controversies between applicants, and long delays in their adjustment. In the end, results will, I believe, be superior to those possible under an allocation of privileges. The area—

And in this he is entirely accurate; all of us who have been there know that fact—

The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore,

have an advantage over others. It would result in the creation of operation and administration controversies to be avoided, and which a unified development will avert.

Every engineering commission that has undertaken to render its estimates concerning Boulder Dam, and the works that are to be a part of it, has made its definite estimate upon the construction of a generating power plant by the United States Government—every single one of them. All have taken it for granted that the Government would build it.

Of course, it is obvious to you, in a work of this kind, what will be the economic side.

Here is a dam 550 feet in height, with a storage capacity behind it of 26,000,000 acre-feet, a lake stretching backward nearly 100 miles. You realize how stations and substations, how culverts and caissons, ledges, and even railways, must be constructed in making that dam; how, during the progress of the work there, it is essential that there should be electric power and there should be electric lighting in order properly to do the work. Who can do it most cheaply? Why, the Government that is building the dam can, of course, build more cheaply the generating plant. As one witness once remarked before us—he was not in any degree a Government-ownership man or connected with any of those who were—"Who builds the dam should build the generating plant"; and from the economic standpoint there can be no question upon that score.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. JOHNSON. Surely.

Mr. REED of Pennsylvania. If that be so, why does the Senator in his own bill provide the option to do this by private enterprise?

Mr. JOHNSON. If the Senator will pardon a personal reference there, because there were so many people upon the committee and in this body who had views exactly like those of the Senator from Pennsylvania; and the only possibility that we had to get the bill agreed to in committee and through finally here upon the floor and ultimately passed was to put this in the alternatives.

Notwithstanding what has been said by the President of the United States in his last message, notwithstanding the attitude that has been maintained in speeches that have been made during the campaign, I feel an abiding certainty that when the time comes to construct this dam the generating plant will be constructed as well by the United States Government under the option that is accorded by the bill that is now before the Senate.

Mr. GLASS. Mr. President—

Mr. JOHNSON. I yield.

Mr. GLASS. I shall be interested to know how the Senator derives the impression that this amendment declares a general policy of the Government.

Mr. JOHNSON. That was my understanding as it was read.

Mr. GLASS. As I read it, it declares a specific policy with respect to this particular enterprise.

Mr. JOHNSON. That may be.

Mr. HEFLIN. Mr. President—

Mr. GLASS. I want that known, because I differentiate this enterprise from the Muscle Shoals enterprise, now owned by the Government.

Mr. REED of Pennsylvania. So do I, Mr. President.

Mr. HEFLIN. Mr. President—

Mr. JOHNSON. Pardon me just one second. In what way do the Senators differentiate?

Mr. REED of Pennsylvania. The Muscle Shoals project includes a power station already built and already owned by the United States. We can not change that. That is an existing fact. This is a new project that proposes to build and construct and operate still another one. I say it is better to do that with private money, under regulation, and keep down the cost of your Boulder Dam project. I would rather see the Government take that alternative.

Mr. JOHNSON. I realize the Senator's position.

Mr. GLASS. Likewise, Mr. President, the Muscle Shoals plant was acquired as a war emergency or necessity.

Mr. JOHNSON. Yes.

I yield now to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I agree with the Senator from California. If the Senate takes this action, if it indorses or approves the amendment offered by the Senator from Pennsylvania, it is going upon record as favoring the proposition that he submits, committing itself to that policy, and it will be a precedent on the subject.

Mr. JOHNSON. Mr. President, I think the Senator from Alabama is entirely correct. While it may be true that this



amendment relates simply to the particular bill that is now before us—my time upon the amendment having expired, I now speak upon the bill, Mr. President—nevertheless, with the question arising in the fashion that it has, it constitutes a declaration of policy by the Senate of the United States, and a declaration of policy that will be determined to be a very definite declaration of policy. So I do not think we can escape that, although the language of the amendment may make it applicable only to a particular bill.

When the Secretary of the Interior presented his financial set-up to the Senate, he provided for a million horsepower development, at a cost of \$31,500,000. There never was a time but that he was contemplating the construction by the Government, from the figures that were presented, of the generating plant at the Boulder Dam—contemplating it so definitely that he provided in his financial set-up for the full cost of that generating plant, and then for the mode of meeting the payment thereof; and recently, in the Sibert report that was presented to this Congress on the 3d day of December, the same provision was made of \$38,200,000 for a million horsepower development at the Boulder Dam. This, like in the former report, was to be an expenditure by the Government for the power plant.

So, all along the line, from just after the time when the bill was introduced and submitted to the Government and to the various heads of the departments, it has been apparently the set purpose of those in command of the Government, that the Government would erect a generating plant at Boulder Dam, and that in erecting that generating plant the Government would not be postponed until every other expedient had been exhausted.

On what theory, after all, should you say that the Government should not have the right to erect that generating plant if necessary? That is all that this bill does. Why should you declare a policy that the Federal Government must first give that right to a private corporation or to an individual, or even to a city or a State? If the Government sees the possibility of doing the job better, more efficiently, and more economically, on what theory, except to permit some private enterprise greater profit, should you deny your Government the right to do the thing that your Government might ultimately determine was absolutely necessary for the protection of its people?

I could understand the declaration of policy in reference to some undertakings; but I can not understand a declaration of policy that would deprive the Government of the right, the option, of hereafter doing what the Government under the circumstances might believe to be essential for the protection of its people; and every man within the sound of my voice knows that the people to-day must be protected in the matter of the generation of electric power.

To-day electric power has become king in our land. To-day electricity is just as much a necessity of life as, in days gone by, light was to us. To-day electricity enters into every vocation and into every activity of human kind. To-day electricity is an essential of every home, and every thinking man understands—it does not require a recital of the revelations of the Federal Trade Commission—that the people of the United States, in regard to this great necessity that has come into their lives, need the protection of the Government of the United States.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Yes.

Mr. WATSON. Do I understand that a vote for the proposition advocated by the Senator in opposition to the policy of the amendment proposed by the Senator from Pennsylvania means an announcement of a Government-ownership policy of all power plants and of all electric plants doing an interstate business, henceforth and forever, as a governmental policy in the United States?

Mr. JOHNSON. If I were to answer that question, I fear I should indicate that I had not the admiration for the Senator from Indiana that I really have. He knows that there is no such design, that there can be no such legitimate conclusion drawn from any such vote. I do say that this Government must stand as the protector of its people in reference to electric power. This Government must stand—and if the Government as a whole will not stand or any part of it is timid or worse, the Senate should stand—as the protector of the people of this land in reference to electricity and the generation of electricity.

I prefer, I have told you—and I am perfectly frank in that—I prefer, if it were possible, to have the Government erect this generating plant at Boulder Dam, and for this consummation I am ready to act and to vote. I say to you, though, that all that is asked by this bill is that the Government be given the right and the option to protect its people, to erect a generating plant if it be necessary. Who should deny that small boon unto his Government?

Mr. PHIPPS. Mr. President, if I may have the attention of the Senator from Nebraska [Mr. NORRIS], I may be able to throw a little light upon a question or two propounded by the Senator as to the mechanical operation followed in these large hydroelectric plants in the matter of generating electric power.

Take, for illustration, the Roosevelt Dam on the Salt River in Arizona. You must have a dam structure or you must have an enormous flow following the contour of a mountain or following along the slope of a mountain in order first to obtain a drop.

The water may drop vertically, or at a very steep grade, or sharp angle, to actuate the wheel that revolves the main stem and transmits its revolutions to the generating dynamos.

I am not familiar with the method resorted to in the case of Muscle Shoals, but I believe the Pathfinder Dam is similar to the Roosevelt Dam. In both cases the power houses are built as adjuncts or extensions or are up against the dam structure.

The purpose of the dam itself, of course, is to retain the water. The water to operate the wheels that generate the power must drop from a high elevation, near the top of the dam, or, say, two-thirds up the height of the dam, in this case at Boulder Canyon, because water is to be preserved there for flood control.

In the case of hydroelectric plants, many examples of which will be found in the high Sierras, for instance, there is a flow line coming out, a slight drop along the side of the mountain for quite a distance. Then it comes to a place where the water is dropped down to the generating plant, and there you will have enormous pipes forming the pressure lines. In many cases there is merely one pressure line; in others there are two or three; and in some instances four or more. The power there is generated in the different units of the plant.

In the case of this proposed dam, undoubtedly as the requirements for power come into existence, the generating plants may be installed on the unit principle. It is not necessary at once to put in all the generating machinery to provide the output of 1,000,000 horsepower designed.

In my opinion there is no reason why various power companies now supplying that territory, the city of Los Angeles, if it so desires, and the city of Pasadena, having power plants of their own, can not combine and determine what their separate requirements are, agreeing upon a proportionate basis, and join in providing the funds necessary to build the power plants, given the dam, which would be built by the Federal Government.

Mr. NORRIS. Mr. President, may I interrupt the Senator now?

Mr. PHIPPS. Yes.

Mr. NORRIS. The Senator is familiar with the site, I suppose, that is proposed?

Mr. PHIPPS. I am; I have been there.

Mr. NORRIS. The Senator knows, then, that it will be a physical impossibility to take water out of the reservoir above the dam and carry it to some other locality and drop it down. Does not the Senator know that the power is going to be generated right at the dam, that there is not going to be a mill race?

Mr. PHIPPS. No; that is unnecessary. It is not impossible to do it, but it is not necessary to do it.

Mr. NORRIS. It may not be impossible, but it would be a terrible waste of money to undertake to do it. You would have to run it through solid rock, and when you get the dam built, and the water going over the dam, the pipes and the wheels are going to be in the bottom of it somewhere, and the pressure is going to be right there.

Mr. PHIPPS. Outside of the dam, not inside.

Mr. NORRIS. All right, outside; but it is going to be a part of it.

Mr. PHIPPS. Not necessarily.

Mr. NORRIS. How are you going to differentiate between the building of the dam and the water wheels? They will be in the dam, as a matter of fact, as they are at Muscle Shoals.

Mr. PHIPPS. Not necessarily.

Mr. NORRIS. You do down in there, where all the units are placed, and see them operating under the water. That would be the economy of the thing. If you should undertake to have a separate power plant a mile or two away, or 10 miles away, as the Senator from Pennsylvania suggests, you would have to build a race to carry the water through solid granite, all unnecessary.

Mr. PHIPPS. That was never contemplated by anyone who understands the proposition.

Mr. NORRIS. Then it is going to follow that the dam and the water-power proposition is all one. It will have to be.

Mr. PHIPPS. The dam structure itself would be provided with outlets, which would have gates similar to the gates that would be used to control the spillways that would be there.

Mr. NORRIS. Who is going to build the gates?

Mr. PHIPPS. They are built right into the dam structure.

Mr. NORRIS. Exactly, and that is where the water wheel is going to be. How are you going to differentiate between the private corporation that builds the power plant and the Government that builds the dam?

Mr. PHIPPS. I do not think that is a difficult problem at all, because the dam structure is given with the necessary outlets provided.

Mr. President, I think I should try to make my position clear in the matter. I do not care to repeat what I have said in the discussion on this bill to the effect that the consumers of hydroelectric power in California and Nevada are protected by their public utility commissions, which regulate the rates that shall be charged, which regulate the earnings of those corporations to a fixed figure on their invested capital, and all of that.

My belief is that private corporations and municipalities could combine, as I have stated, in order to utilize this power. The minute this bill becomes effective, these people who are interested and the municipalities are going to figure on what their requirements might be, what a plant would cost based on their experience in building plants, and, at the same time, undoubtedly the Government, in the proper department, would be figuring on what it would cost to build the power plants. They have already made this estimate, which has been boosted to \$38,500,000. The department will then be in position to know what private enterprise would undertake, and what it would cost them as compared with what it would cost the Government. Also, undoubtedly, the point would be developed as to what power consumers could use; or I should say distributors, because I do not think anyone contemplates having the Government go to the expense of building the transmission lines and delivering the power to the ultimate consumer.

The Government could be furnished with bids in a competitive manner for power at the switchboard, or for the use of water at the dam, to be used for generating hydroelectric power.

Mr. President, I do not care to say anything further on this amendment, or to further discuss the bill, except to say this, that the flood menace to large tracts of land in Arizona and California is an ever-increasing one. Yet these dangerous waters are not now being put to beneficial use. When completed, this great project will remove that menace, and permit further development of a wonderful section of our country. Thus, flood waters now endangering life and property will become the greatest possible blessing to the States of the lower Colorado River Basin.

Mr. BORAH. Mr. President, I do not know whether the Senator in charge of the bill proposes to go to a vote this evening or not.

Mr. PHIPPS. May I answer for him? That is the intention, I believe.

Mr. BORAH. I have no desire to discuss the general question of public or private ownership under the 15-minute rule, or this late in the day. I doubt if we are prepared in this country yet to say what the ultimate policy of the Government is to be. I think that power development is in its infancy, and even if we desired to declare a permanent and final policy, I doubt if we are in a position to do so at this time. But even if I were for private ownership as a general policy, I would not apply the principle in these great projects, combining flood control, irrigation, and power. I would treat the project as a unit and as the Government must do part I would let it do all.

As I see this amendment, it would leave the bill precisely as it is now, except that Congress would have expressed its view as to what the policy should be. We are called upon, in other words, to declare not a policy but our view as to what the policy should be. We do not in any way change the bill.

It does not take away the option or the discretion of the Secretary of the Interior. He may yet go forward and do the two or three things, as he chooses to do them, specified in the bill. If we adopt the amendment, it is but an expression of Congress as to what the policy should do—no change in the bill, but simply a statement of our view as to our policy.

Mr. President, I do not look upon this bill as in any sense defining the general policy of the Government with reference to private or public ownership. I think in these projects, where the Government is going forward—and it is conceded that the Government must go forward and do the main part of the work—it should complete the job. So far as the development of electrical power is concerned, it is an incident to the enterprise; it ought to go with it to insure its success. It is in no sense like directing the Government to go out and build a power plant solely for the purpose of developing electric energy and selling it.

It is conceded here that the Government must do this work. One of the most dangerous and difficult rivers we have is to be

controlled. Flood control is essentially the basis of this bill. The Government must do that work. When I go further and say that the Government must do all that is necessary in order to make it a success, I do not consider that I am defining the ultimate policy of the Government with reference to public or private ownership. We are simply proposing to make the matter a success if we can, and those who have studied it, and the Government itself, believe that the development of power is an essential part of the financial side of the enterprise. For that reason I shall vote for the bill, I hope with the Davenport amendment attached.

I think in all these enterprises where the Government is doing the work it should be authorized to do all. It is essential economically for it to do so.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. FESS. As I understand the bill, as it was originally written, or finally amended, we would give to the Government the option or the discretion whether it would lease the plant, or construct it by private enterprise or do it itself. That is all, as far as I was concerned, that I was seeking.

Mr. BORAH. The Senator was perfectly safe in that, because I have no doubt at all that ultimately his policy will prevail, if that option exists.

Mr. FESS. The amendment offered by the Senator from Pennsylvania in a way hinders the discretion that we intended to write into the bill.

Mr. BORAH. It might hinder it depending on who was Secretary of the Interior.

Mr. FESS. In other words, a vote for the bill without this amendment would not be to commit the Government either to Government ownership or to private ownership.

Mr. BORAH. No; but by my vote, for instance, would be an indication of what my policy was with reference to this particular enterprise. It would not change the terms of the bill; it would not bind the Secretary of the Interior. He might still go forward. But I would be going on record as expressing my view one way or the other as to what the policy should be.

Mr. FESS. That is, on the amendment.

Mr. BORAH. In other words, we are called upon here to express our view as to a policy; that is all.

Mr. FESS. That is, not speaking of the bill but of the amendment. Personally, I would prefer that the Government not go into this business; but I do not regard myself as voting that the Government shall go into this business unless it may seem to be the best policy for it to follow. My vote is not to compel it to do it. It would have the discretion to do it or not to do it. I refer to the bill, not the amendment.

Mr. BORAH. The fact is, Mr. President, that the bill gives an option to the Secretary of the Interior. If this amendment shall be adopted he will still have the option, the same as if the amendment were not adopted. That is the exact situation.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BORAH. Yes.

Mr. REED of Pennsylvania. Is not this a fact, that the bill as it stands leaves the option to the Secretary of the Interior without any expression by Congress as to which is the preferable solution of the situation, without any expression by us of preference between the two alternatives? It leaves complete discretion to the Secretary to determine the policy, Congress having refused or neglected to take that responsibility on itself.

If the amendment is agreed to, Congress assumes the responsibility of saying which alternative is preferable and does not leave that power to the Secretary.

Mr. BORAH. It either binds the Secretary or it does not. Whatever respect the Secretary pays to the judgment of Congress, of course, will have its effect when he comes to determine this question. If he does not care to respect the view of Congress, he has the authority to go ahead just the same as if we had not adopted the amendment. It may have a persuasive influence; it may have a moral influence upon him; but it does not change the terms of the bill. However, it does put me, or any man voting pro or con, upon record with reference to his view as to what the policy shall be, and that is all. It does not change the bill, and it does not, in my judgment, declare the general policy of public or private ownership. It simply declares what the view of Congress is in reference to this particular enterprise.

There is where it comes in conflict with my views. If it was declaring a general policy as to where the Government was going in solely for the purpose of building a power plant to develop electric energy, that would be a different proposition, but it is only declaring it with reference to this particular enterprise, into which particular enterprise the Government is going for the purpose of doing the work. That being true, I



think the Government ought to be authorized directly, as it is by the Davenport amendment, to build the power plant as a part of the general program which it is directed to carry out.

Mr. REED of Pennsylvania. I ask for the yeas and nays on agreeing to my amendment to the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. FESS (when his name was called). I have a pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). The junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. If he were present, he would vote "nay."

Mr. KING (when his name was called). I am paired with the junior Senator from Texas [Mr. MAYFIELD]. Not knowing how he would vote, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I was informed by him that he favors the amendment, and therefore I am free to vote. I vote "yea."

The roll call was concluded.

Mr. WAGNER. I desire to announce that on this amendment my colleague the senior Senator from New York [Mr. COPELAND] is paired with the junior Senator from New Jersey [Mr. EDWARDS].

The result was announced—yeas 24, nays 53, as follows:

#### YEAS—24

Ashurst	Gillett	Hale	Moses
Bingham	Glass	Hastings	Phipps
Blease	Glenn	Hawes	Reed, Pa.
Bruce	Goff	Hayden	Vandenberg
Caraway	Gould	Keyes	Waterman
Edge	Greene	McLean	Watson

#### NAYS—53

Barkley	Gerry	Oddie	Steiwer
Black	Harris	Pine	Stephens
Blaine	Harrison	Pittman	Swanson
Borah	Heflin	Ransdell	Thomas, Idaho
Bratton	Johnson	Reed, Mo.	Thomas, Okla.
Brookhart	Jones	Robinson, Ind.	Trammell
Broussard	Kendrick	Sackett	Tyson
Capper	La Follette	Schall	Wagner
Couzens	McKellar	Sheppard	Walsh, Mass.
Dale	McMaster	Shipstead	Walsh, Mont.
Deneen	McNary	Shortridge	Wheeler
Dill	Neely	Simmons	
Frazier	Norris	Smith	
George	Nye	Steck	

#### NOT VOTING—18

Bayard	Fletcher	Mayfield	Smoot
Copeland	Howell	Metcalf	Tydings
Curtis	King	Norbeck	Warren
Edwards	Larrazolo	Overman	
Fess	Locher	Robinson, Ark.	

So the amendment of Mr. REED of Pennsylvania to the substitute amendment was rejected.

#### MULTILATERAL PEACE TREATY

Mr. MOSES. Mr. President, in my own name and also for the senior Senator from Missouri [Mr. REED], I ask unanimous consent as in open executive session to submit a resolution, and I ask that it be read and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. It will be read.

The resolution was read, as follows:

*Resolved*, That the Senate of the United States declares that in advising and consenting to the multilateral treaty it does so with the understanding—

- (1) That the treaty imposes no obligation on the United States to resort to coercive or punitive measures against any offending nation.
- (2) That the treaty does not impose any limitations upon the Monroe doctrine or the traditional policies of the United States.
- (3) That the treaty does not impair the right of the United States to defend its territory, possessions, trade, or interests.
- (4) That the treaty does not obligate the United States to the conditions of any treaty to which the United States is not a party.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

#### BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I offer what I hope is the last amendment. It has been submitted to the Senators from Arizona and to it they have no objection.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 2, line 9, following the words "Laguna Dam," insert:

or other suitable diversion dams, which the Secretary of the Interior is hereby authorized to construct, if deemed necessary or advisable by him upon engineering or economic considerations.

Mr. HAYDEN. Mr. President, in view of the adoption by the Senate of the amendment I offered, authorizing certain engineering investigations on the part of the Gila irrigation project in Arizona, I have no objection to the amendment just offered, because I believe the same consideration should be given to the State of California.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California to the amendment.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, I desire to offer an amendment in the nature of a motion to strike out. On page 11, beginning with the words "Provided, however," in lines 12 and 13, I move to strike out the balance of the paragraph down to and including line 22, reading as follows:

*Provided, however*, That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

That is what is known as the Davenport amendment.

Mr. JOHNSON. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield.

Mr. JOHNSON. Permit me to call to the attention of the Senator from Idaho that if he is seeking to present merely the Davenport amendment, he has gone very much further, has he not?

Mr. BORAH. I included more than the Davenport amendment, but in my judgment it accomplishes what the Davenport amendment was intended to accomplish or, at least, what I would like to have it accomplish. The Davenport amendment began with the words "or alternatively." If the Senator would prefer to have it that way, I am willing to yield my views to that extent. But I prefer the amendment as I have proposed it.

Mr. JOHNSON. My feeling is if we strike out all immediately after the words "Provided, however," we may deny the discretion to "enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy." Congressman DAVENPORT proposed to strike out the alternative that follows.

Mr. BORAH. Of course, it is the difference between the Government operating it after having built it, and somebody else operating it. If that is preferable, I will have my amendment begin with the words "or, alternatively," in line 16.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. Beginning in line 16, on page 11, after the word "energy," it is proposed to strike out the words:

or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

Mr. BRUCE. Mr. President, do I understand that is the amendment of the Senator from Idaho?

The VICE PRESIDENT. It is.

Mr. BRUCE. I will ask the attention of the Senator from Idaho a moment. I understand the effect of that amendment would make it mandatory on the Government to construct the dam and the electrical plant; that there would be no option to let the work out to private parties or anybody else?

Mr. BORAH. That is my understanding.

Mr. BRUCE. I suppose it is a matter of very little importance; but, I am sorry to say, that if the amendment shall be adopted it will cost this bill—I do not know that it is in need of any votes—but it will cost this bill two votes.

Mr. BORAH. Mr. President, I have no desire to debate the amendment; I merely wanted to state my position by offering the amendment.

Mr. EDGE. Mr. President, in addition to making it mandatory upon the Government to build the plant, in accordance with the answer which the Senator has already made to the question asked, do I understand further that it prohibits the Government from leasing the power to any private company or corporation?

Mr. BORAH. No.

Mr. EDGE. It does not?

Mr. NORRIS. Mr. President, I should like to call the attention of the Senator from Idaho to the fact that the language he undertakes to strike out, I think goes further than he desires. He strikes out more than he wants to strike out. The amendment ought to stop at the words "for the generation of electrical energy as herein provided." Then it would be necessary, if the amendment should be agreed to, to change one or two other words there, but the remainder of the provision which the Senator undertakes to strike out ought to remain and apply to the other part of that proviso.

Mr. BORAH. I presume that is true, since I waived lines 13, 14, and 15. The words to be stricken out I will read and the clerk may take them.

Or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Mr. WALSH of Montana. Let me suggest to the Senator that he should also strike out the words "in either of which events," so as to make it read "in which event."

Mr. BORAH. That could be changed if the amendment should be adopted.

Mr. NORRIS. If the amendment should be agreed to, such an amendment could be offered subsequently.

Mr. REED of Missouri. Mr. President, I do not like to prolong this debate, but some of us have not been able to be here much of the time. Will the Senator tell us the effect of the amendment in a few words?

Mr. BORAH. The effect will be to take away the discretion of the Secretary of the Interior with reference to leasing this power plant to private enterprise, and will leave it obligatory upon him or upon the Government to develop and operate the project.

Mr. EDGE. Mr. President, that is exactly the question I attempted to ask the Senator a moment ago. Then it does, in addition to making it mandatory upon the part of the Government to construct a power plant, also make it mandatory that the Government shall operate the power plant and sell the power, as I understand?

Mr. BORAH. Yes.

Mr. EDGE. As the Senator from Maryland [Mr. BRUCE] has said, with some modesty, if this amendment shall be adopted, while perhaps it will make very little difference in the passage of the bill, it will prevent my voting for it, which I greatly regret. I wanted to vote for this bill, with the option in the hands of the Secretary of the Interior, but if it is made mandatory that the construction of the dam, the operation of the plant, and the sale of the power from the dam shall absolutely be in the hands of the Government for all time to come, I can not support the bill.

Mr. BORAH. The objection to the bill as I see it—and I merely desire to express my individual view—is that it leaves to the Secretary of the Interior the great power to declare the policy with reference to this project; it is entirely discretionary with him. The Congress, in other words, waives what I think is its duty to declare affirmatively, one way or the other, upon this proposition. My judgment further is that if the bill is left in its present form there will be no doubt about the policy which will be carried into effect.

Mr. WALSH of Montana. Mr. President, I think the Senator from Idaho certainly can not have expressed himself correctly in answer to the question addressed to him by the Senator from New Jersey. The Senator from New Jersey asked if this amendment shall be adopted whether it will not be mandatory upon the Secretary to construct the plant and then thereafter for the Government to operate the plant.

Mr. EDGE. Exactly.

Mr. WALSH of Montana. The Senator from Idaho said that he did.

Mr. BORAH. I did not understand the question. What I meant to say was that the Government, if that language were stricken out, would have no power to enter into contracts of lease for the use of water for the generation of electric power.

Mr. WALSH of Montana. That would certainly be the case if the Senator commenced his amendment with the word "or" in line 16.

Mr. BORAH. That is what I have done now.

Mr. WALSH of Montana. Exactly. If the amendment shall be adopted as now offered by the Senator from Idaho to strike

out, commencing with the word "or" in line 16 and ending with the word "Provided" in line 18, then the Government will build the plant, but it will have the right to lease the plant to anyone to whom it can lease it, and the lessee will generate the power and sell it and operate the plant. If the Senator desires to follow the course he has indicated he should adhere to his original proposal to commence the amendment at the proviso, which would strike out the words:

That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy.

Mr. BORAH. Of course, my view is expressed in my first offer; that is, to begin with the word "Provided."

Mr. WALSH of Montana. I understand so; but I understand further that the Senator has receded from that position. It seems to me he should have answered the Senator from New Jersey in the negative, that it will not be obligatory upon the Government to operate the plant, but the Secretary will be authorized to lease the plant to a lessee, who will operate it and distribute the electrical energy.

Mr. BORAH. So far as this particular class of project is concerned, what I desire to do is to express the view that the Government ought to build the plant and operate it.

Mr. WALSH of Montana. Then, the Senator from Idaho will certainly adhere to his first proposal.

Mr. BORAH. That only includes this class of project where the Government is in the business.

Mr. WALSH of Montana. I understood the Senator yielded to the suggestion.

Mr. BORAH. I did, because I did not want to endanger the bill any more than I could help.

Mr. REED of Pennsylvania. Mr. President, I should like to ask a question of the Senator from Idaho. I wish to ask the Senator in what State he now leaves it; whether he wants this amendment to represent his views by striking out everything beginning with the word "Provided," from line 13 to line 22, or whether he wants to restrict it merely to removing the option of private construction of the electric plant?

Mr. BORAH. I am going to confine the vote in the first instance to the latter proposition beginning with the words "or, alternatively."

Mr. REED of Pennsylvania. The proposition now is to cut out the option which the Senator from California has very candidly told us was put in in order to secure the votes of those of us who do not believe in Government construction and operation.

Mr. JOHNSON. Oh, no, Mr. President; I will not submit to any such characterization as that. It was not put in for any such reason at all.

Mr. EDGE. Mr. President, the Senator from Montana may be correct—and I never question the accuracy of any statement he may make—but if I interpret the amendment correctly this is the language that is being stricken from the bill:

*Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant.

Then, if that authority is denied him, he can enter into contracts—

Mr. WALSH of Montana. The motion is not to strike that out but to leave that in.

Mr. EDGE. I have just asked the Senator from Idaho, but he says that is the part he is moving to strike out.

Mr. BORAH. Beginning with the words "or, alternatively."

Mr. EDGE. And the Senator leaves in the part I have just read.

Mr. BORAH. Yes.

Mr. PHIPPS. Mr. President, I want to say just a word, and will take only a moment. If the bill goes to the Chief Executive without any provision whatever for the construction of plants by States, municipalities, or private enterprise, in my opinion, it will not meet with his approval. I base that statement merely upon the declaration in his latest message to the Congress. I think the bill would be defeated, and we would lose the opportunity to bring about this great development.

Mr. NORRIS. Mr. President, the Senator from Colorado has given expression to what has been whispered around over the Chamber for the last 24 hours, that if this provision shall be stricken out, the bill will meet with a veto. The Senator from Colorado includes in his suggestion that it is likely to bring a veto language that will permit municipalities, as well as private enterprise, to build this plant. As I said in relation to the amendment of the Senator from Pennsylvania [Mr. REED] some time ago, we might just as well abandon the idea of municipalities coming over from California to Nevada or Arizona and



building this plant. I understand they could not do it under their charters. The other States in the compact would object at once, because they are directly interested. So we get down to the fact that there is nobody left, if the Government of the United States does not do it, except private corporations, and that is the real reason why it is liable to bring a veto if we vote this language out.

Mr. PHIPPS. May I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. PHIPPS. Is the Senator not aware that the State of California has recently enacted a provision of law that permits the municipalities to do that very thing? That is my information.

Mr. NORRIS. Does the Senator think for a moment that if Los Angeles or the State of California went over into Nevada to build this power plant there would not be a rebellion in Arizona and in the other interested States—and, I think, with some degree at least of righteousness. It is an interested party in the transaction; it would have to be dealing with these other States. That provision might just as well be eliminated. As a matter of fact, everybody knows that neither California nor Los Angeles nor Arizona nor Nevada nor any of the other States is going to build this dam and the entire works connected with this project. It is perfectly out of the question.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. The Senator from Colorado has voiced what to my mind ought to be given some consideration. Other Senators have said that if this amendment shall be adopted they are going to vote against the bill. Of course, that is perfectly proper; they have a right to do that; but I have been somewhat chagrined at the whispering campaign that has been going on that if we do this thing that is now proposed the President is going to veto the bill. I am in favor not only of the amendment now pending, but was in favor of the amendment as the Senator from Idaho recently offered it. Even, however, if it had been offered and been defeated, or if the bill should come back with the provision now sought to be stricken out still in it, much as I should like to see it stricken out, I should not have it in my heart to vote against the bill. There is something greater than water power involved here, and, much as I should like to keep the Water Power Trust, as I believe it to be, from getting its fingers on this great project, and reaping private reward out of it, I would turn it over to them rather than see the Imperial Valley become a part of the ocean. I do not believe that the President of the United States, whoever he may be, would veto this bill if we put in this provision, because, by doing it, he would in effect say, "Unless you let the Power Trust gets its grip on the power part of this proposition we will turn Imperial Valley over to the fishes of the sea. We will not pay any heed or attention to the cry that is going up from 65,000 people to save their homes. Everything they have on earth we will not save. We will let them go to destruction unless a private corporation can make some money out of this great dam that you are going to construct."

That is the proposition when it comes to a veto message; and I do not believe anybody will do it. If we are going to submit now, and say that we will not put in this provision because of fear of a veto from the White House, or if we say that we are going to defeat this bill unless private parties can have the benefit of the electricity that shall be generated with public funds, we practically say that we put that fact in one side of the balance when the homes of 65,000 American citizens are put in the other side of the balance.

Why, Senators, there can not be any question but that it would be better to save those people, who have everything they have on earth, the savings of a lifetime, invested there, than to heed any other consideration that can be involved in the use of the waters that will be held back at this dam. It is only a question of time; it is as certain as the rising and the setting of the sun that Imperial Valley ultimately will become part of the Pacific Ocean unless somewhere there is built a dam that will hold back the flood waters of the Colorado River.

Nobody denies that. I believe that is admitted and conceded by every man. So far as I am concerned, I expect to vote for this bill if it still retains that provision in it, no matter how it may hurt in every other respect; and I would not be so cruel, so unreasonable, I think, as to impute to the President of the United States a motive that would induce him to veto this bill if he can not turn part of the water power over to private corporations. I do not believe any man with a heart or a soul would do such a thing.

Mr. BORAH. Mr. President, I can perhaps shorten this matter a little.

There is a feeling among the friends of the measure, it seems, that this amendment will imperil this bill. I certainly have no desire to do that. The fight has been a long one, and I certainly do not desire to defeat the bill. I want to say, however, that the amendment which I first offered states my view as to what the bill should be. I do not know whether there are enough votes to make it that way or not; but I think that in these projects where the Government is going in to do the work, the entire enterprise should go under the operation of the Government.

Having said that, however, and having stated my position, I withdraw the amendment, for the sole reason that I would not want to contribute to the defeat of the measure here or elsewhere. I feel that it would be almost criminal to postpone flood control and the protection of the people of Imperial Valley.

Mr. REED of Missouri. Mr. President, I have not been able to take any part in the discussion of this bill; but I regret that the Senator from Idaho [Mr. BORAH] withdraws his amendment. If his view is correct, it is an important one, and we ought to have an opportunity to vote upon it.

It does not do much good for one to express his private view with regard to a question of governmental policy. So far as I am concerned, I believe that when the Government takes the people's money and invests it in an enterprise the Government ought to continue to control that enterprise. I am not in a position to make the contention about it, because other duties have kept me from the Senate a great deal of the time during the last several days; but I hope the Senator will let us vote on his amendment.

So far as I am concerned, I am getting very tired of being told on the floor of the Senate, by gentlemen who first disclaim any authority to speak, that they know what the President is going to do; that they are intimately acquainted with his inner consciousness. I do not know what the President will do.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. PHIPPS. Is the Senator referring to my statement?

Mr. REED of Missouri. Yes.

Mr. PHIPPS. I based that, as I said, merely and solely upon the President's message, which no doubt the Senator has read.

Mr. REED of Missouri. Very well. We have all read it, and we can all put our constructions on it.

This much I want to say: There is a class of men in this country who think that the Government of the United States and its Treasury ought to be employed for the purpose of creating great works and carrying forward great enterprises; that as soon as they have become profitable or successful they should be turned over to some private interests that will realize the profits, if profits are to be realized; but that in case the venture is not a financial success the Government of the United States should sustain the loss. In other words, they approach every question from the standpoint of private and selfish interest. They may believe that they are doing a service to private capital; but I hesitatingly say that if private capital continues its marauding expeditions, if it continues to demand the right to monopolize every one of the great sources of wealth in the United States, private capital will some day awaken to a realization of the fact that it has gone so far as to have produced a sentiment which will be very inimical, perhaps, even to honest capital honestly administered.

The worst enemy of capital in the United States to-day is the man who insists that private capital shall be allowed to exploit itself and exploit the people without limit. It may proceed in that manner for a time; but the day will come, and it will come in the not distant future, when capital will find that public sentiment has been arrayed against it. It will face, then, not moderate and conservative measures but immoderate and extreme measures that will in the end be greatly to its detriment.

I hope the Senator from Idaho will permit us to vote upon his amendment as he originally offered it. I am eternally opposed to going into the Treasury of the United States—which is into the pockets of the people of the United States—and expending money, and then, when it is expended and an enterprise has been made successful, turning it over to exploiters who in turn capitalize it at eight or ten times its value and in turn put the stock upon the market and sell it to the people at exorbitant prices. The time for that sort of business has about ended in the United States. If it has not ended, it will be ended some day when the people feel the pinch of the vise upon them and resent it, and do it in a very forceful way.

The VICE PRESIDENT. The question is on the amendment of the Senator from California [Mr. JOHNSON] as amended.

Mr. KING. That means the substitute for the House text, I understand?

The VICE PRESIDENT. The Senator is correct.

Mr. PHIPPS. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. PHIPPS. Mr. President, so that there may be no misunderstanding, will the Chair state what the vote is on now?

The VICE PRESIDENT. The vote is on the substitute amendment of the Senator from California [Mr. JOHNSON] as amended.

Mr. PHIPPS. Which is the substitute bill?

The VICE PRESIDENT. The substitute bill.

The Secretary will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. KING (when his name was called). Upon this vote I am paired with the junior Senator from Texas [Mr. MAYFIELD]. I understand that if present the Senator from Texas would vote as I shall vote. Therefore I am permitted to vote, and I vote "yea."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is necessarily absent. He has been unable to secure a pair. If he were present and permitted to vote, he would vote "yea" on this question.

Mr. SHEPPARD (when Mr. MAYFIELD's name was called). My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before as to my pair with the senior Senator from Delaware [Mr. BAYARD], I vote "nay." The roll call was concluded.

Mr. BRUCE. I desire to announce that my colleague [Mr. TYDINGS] is unavoidably detained from the Senate. If present, he would vote "yea."

Mr. FESS. On this vote I have a pair with the junior Senator from Maryland [Mr. TYDINGS]. I understand that if that Senator were present he would vote as I shall vote. I will therefore vote. I vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "yea."

Mr. OVERMAN (after having voted in the affirmative). Has the senior Senator from Wyoming [Mr. WARREN] voted?

The VICE PRESIDENT. The senior Senator from Wyoming has not voted.

Mr. OVERMAN. Then I withdraw my vote.

Mr. SWANSON. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is paired on this vote with the senior Senator from Delaware [Mr. BAYARD]. If present, the senior Senator from Florida would vote "yea," and the senior Senator from Delaware, if permitted to vote, would vote "nay."

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If my colleague were present and permitted to vote, he would vote "yea," and if the junior Senator from New Jersey were present and permitted to vote he would vote "nay."

The result was announced—yeas 64, nays 16, as follows:

#### YEAS—64

Barkley	Fess	McKellar	Shortridge
Black	Frazier	McMaster	Simmons
Blaine	George	McNary	Smith
Borah	Gerry	Neely	Steiwer
Bratton	Gillett	Nye	Stephens
Brookhart	Harris	Oddie	Swanson
Broussard	Harrison	Phipps	Thomas, Idaho
Bruce	Hastings	Pine	Thomas, Okla.
Capper	Hawes	Pittman	Tyson
Caraway	Heflin	Ransdell	Vandenberg
Couzens	Johnson	Reed, Mo.	Wagner
Curtis	Jones	Robinson, Ind.	Walsh, Mass.
Dale	Kendrick	Sackett	Walsh, Mont.
Deneen	Keyes	Schall	Waterman
Dill	King	Sheppard	Watson
Edge	La Follette	Shipstead	Wheeler

#### NAYS—16

Ashurst	Glenn	Hale	Norris
Bingham	Goff	Hayden	Reed, Pa.
Blease	Gould	McLean	Steck
Glass	Greene	Moses	Trammell

#### NOT VOTING—15

Bayard	Howell	Metcalf	Smoot
Copeland	Larrazolo	Norbeck	Tydings
Edwards	Locher	Overman	Warren
Fletcher	Mayfield	Robinson, Ark.	

So Mr. JOHNSON's substitute amendment as amended was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. NORRIS. Mr. President, I desire now very briefly to speak on the bill. In the roll call that has just been had I voted "nay." This indicated that I preferred the House bill to the Senate bill. The vote was taken on a motion to substitute the Senate bill for the House bill, though some Senators told me that they thought they were voting on the passage of the bill. That roll call was simply on the motion to substitute the Senate bill for the House bill. Believing as I did, and as I still believe, that the House bill was a better bill, from my viewpoint, than the Senate bill, I voted "nay."

The House bill contains, in effect, the amendment known as the Davenport amendment, which the Senator from Idaho offered and withdrew. In my view of it, that constitutes the principal difference now between the House bill and the Senate bill.

The Senate bill having been substituted for the House bill, it now becomes the pending bill. I take it for granted there will be a roll call on the passage of the bill, and when we come to that vote we shall be confronted with the question as to whether we will have any bill at all or not.

As I said before, Mr. President, I would accept almost any proposition if contained in it was the real reason why I feel an interest in this legislation, and that is, for the protection of the people of Imperial Valley, a fertile valley containing about 65,000 people, with cities and roads and homes, people who are as patriotic and as intelligent as any other part of our citizenship. Everything that they own, everything they have, their homes and everything, will be destroyed if the country is overflowed with water.

The Imperial Valley is below sea level; the Colorado River is above sea level. That river has been building itself higher and higher by the silt which it deposits, and the work of man in building dikes to keep the water back has about reached its limit. So that everybody knows that in the course of time nature itself will bring the water of the Colorado River to Imperial Valley, unless a dam is built that will hold back the flood waters, and because this bill contains provision for that I am going to vote for it, although I am very fearful that in its operation those who will have charge of it will, if they possibly can—and they can under the bill by sacrificing economy and efficiency—turn over to some representative of the Water Power Trust the generation of the electricity that can be generated at that dam.

Mr. SACKETT. Mr. President, I want to offer one more amendment to the bill in the Senate.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 3, line 11, after the figures "\$165,000,000," strike out the following:

Of this amount the sum of \$25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of \$25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. SACKETT. Mr. President, I offer that amendment because it brings up a question that was voted on here yesterday, which I felt the Senate probably did not understand when it voted, that of the total moneys that were to be paid for this improvement the sum of \$25,000,000 should be allocated to flood control.

I felt that if the Senate did understand the bill thoroughly they would feel that a great natural resource of this kind, which was to be built by the Government, and which would provide a tremendous revenue, could well afford to be charged with the entire improvement of this great river; that to withdraw \$25,000,000 and allocate it to flood control was to put that amount of the cost of this improvement upon the general taxpayers of the country, when the project itself could very well afford to pay for it.

That brings in a new principle of flood control which is not quite compatible with the principle adopted when we were dealing with flood control on the Mississippi. In the bill covering the Mississippi flood control we provided, in effect, for a large contribution from the citizens whose lands were particularly benefited. If this were left as it was originally in the bill, that difference between the Mississippi Valley proposition and the Colorado River proposition would not exist.

For these reasons I ask, with this explanation, for another vote upon this amendment.

Mr. PITTMAN. Mr. President, this matter was argued so fully yesterday and at such great length that I do not care to argue it now, but the statement the Senator makes that \$25,000,000 is not to be paid back, but is to come out of the pockets



of the taxpayers, is erroneous, because there will be \$10,000,000 annually after amortization to pay it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the substitute amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. WAGNER (when Mr. COPELAND's name was called). I desire to announce that my colleague, the senior Senator from New York [Mr. COPELAND] is detained because of illness in his family. He is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If the senior Senator from New York were present, he would vote "yea." If the junior Senator from New Jersey were present, he would vote "nay."

Mr. FEES (when his name was called). Making the same announcement as before, I vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. If he were present, he would vote "yea."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). The junior Senator from New Mexico [Mr. LARRAZOLO] is necessarily absent from the Chamber. If present, he would vote "yea."

Mr. SHEPPARD (when Mr. MAYFIELD's name was called). The junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. If present, he would vote "yea."

Mr. SACKETT (when Mr. METCALF's name was called). The Senator from Rhode Island [Mr. METCALF] is detained from the Senate by illness. If present, I am informed that he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. If that Senator were present, he would vote as I intend to vote. Therefore I am free to vote. I vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Florida [Mr. FLETCHER] is necessarily absent. If present, he would vote "yea." He is paired with the Senator from Delaware [Mr. BAYARD], who, if present, would vote "nay."

Mr. BRUCE. If my colleague the junior Senator from Maryland [Mr. TYDINGS] were present, he would vote "yea."

Mr. McMASTER. The senior Senator from South Dakota [Mr. NORBECK], if present, would vote "yea."

The result was announced—yeas 65, nays 11, as follows:

#### YEAS—65

Barkley	Frazier	Neely	Stetson
Black	George	Norris	Stephens
Blaine	Gerry	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Phipps	Thomas, Okla.
Brookhart	Hastings	Pine	Trammell
Broussard	Hawes	Pittman	Tyson
Bruce	Heflin	Ransdell	Vandenbergh
Capper	Johnson	Reed, Mo.	Wagner
Caraway	Jones	Robinson, Ind.	Walsh, Mass.
Couzens	Kendrick	Sackett	Walsh, Mont.
Curtis	King	Schall	Waterman
Dale	La Follette	Sheppard	Watson
Deneen	McKellar	Shipstead	Wheeler
Dill	McMaster	Shortridge	
Edge	McNary	Simmons	
Fess	Moses	Smith	

#### NAYS—11

Ashurst	Glass	Gould	Hayden
Bingham	Glenn	Greene	Reed, Pa.
Blease	Goff	Hale	

#### NOT VOTING—19

Bayard	Howell	Mayfield	Smoot
Copeland	Keyes	Metcalfe	Steck
Edwards	Larrazolo	Norbeck	Tydings
Fletcher	Locher	Overman	Warren
Gillett	McLean	Robinson, Ark.	

So the bill was passed.

Mr. JOHNSON. Mr. President, I move to amend the title of the bill by striking out the word "lower" in the title as printed.

There being no objection, the title was amended so as to read: "A bill to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes."

#### PRISON-MADE GOODS

Mr. HAWES. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

#### PANAMA AND NICARAGUA CANALS

Mr. EDGE. Mr. President, I desire to give notice that on Monday next, after the disposition of morning business, I propose to address the Senate, if I may receive recognition, on the subject of the proposed Nicaraguan canal and the proposed increased facilities of the Panama Canal.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and the Senate (at 6 o'clock and 10 minutes p. m.) adjourned until to-morrow, Saturday, December 15, 1928, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate December 14 (legislative day of December 13), 1928*

#### APPOINTMENTS IN THE REGULAR ARMY

##### ASSISTANT CHIEF OF BRANCH

*To be Assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from February 2, 1929*

Col. Winthrop Samuel Wood, Quartermaster Corps, vice Brig. Gen. William E. Horton, assistant to the Quartermaster General, to be retired from active service February 1, 1929.

##### MEDICAL CORPS

##### *To be first lieutenants*

First Lieut. John Larkin Gallagher, jr., Medical Corps Reserve, with rank from December 5, 1928.

First Lieut. Robert Eugene Bitner, Medical Corps Reserve, with rank from December 5, 1928.

##### MEDICAL ADMINISTRATIVE CORPS

##### *To be second lieutenants*

Staff Sergt. Orion Victor Kempf, Medical Department, with rank from December 8, 1928.

Private Paul Estabrooke Zuver, Medical Department, with rank from December 8, 1928.

Staff Sergt. Kendrick Ownby, Medical Department, with rank from December 8, 1928.

Staff Sergt. Robert Lee Black, Medical Department, with rank from December 8, 1928.

#### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

##### QUARTERMASTER CORPS

Capt. John Bryce Casseday, Cavalry (detailed in Quartermaster Corps), with rank from July 1, 1920.

First Lieut. Charles Franklin Fletcher, Field Artillery (detailed in Quartermaster Corps), with rank from July 1, 1920.

##### FINANCE DEPARTMENT

First Lieut. James Robert Manees, Infantry, with rank from July 1, 1920.

##### CHEMICAL WARFARE SERVICE

Maj. Theodore Barnes, Cavalry (assigned to duty with Chemical Warfare Service) with rank from July 1, 1920.

##### FIELD ARTILLERY

Capt. William Wayne Murphey, Ordnance Department (assigned to duty with Field Artillery), with rank from April 8, 1928.

#### PROMOTIONS IN THE REGULAR ARMY

##### *To be lieutenant colonels*

Maj. Charles Bernadou Elliott, Infantry, from November 17, 1928.

Maj. John Bunyan Corbly, Infantry, from November 19, 1928.

Maj. Joseph Lybrand Topham, jr., Quartermaster Corps, from November 21, 1928.

Maj. Charles Lewis Sampson, Infantry, from November 26, 1928.

Maj. John Marshall True, Quartermaster Corps, from November 30, 1928.

*To be majors*

Capt. Richard Bruce Webb, Coast Artillery Corps, from November 17, 1928.

Capt. Moses Goodman, Coast Artillery Corps, from November 18, 1928.

Capt. Arthur Henry Truxes, Cavalry, from November 19, 1928.

Capt. Gordon Joseph Fred Heron, Cavalry, from November 21, 1928.

Capt. Thomas Seelye Arms, Infantry, from November 26, 1928.

Capt. Raymond Duffield Bell, Infantry, from November 27, 1928.

Capt. Archelaus Lewis Hamblen, Infantry, from November 30, 1928.

Capt. Paul Whitten Mapes, Infantry, from December 7, 1928.

*To be captains*

First Lieut. Frederic Bernard Wieners, Air Corps, from November 17, 1928.

First Lieut. Frank Richards, Coast Artillery Corps, from November 18, 1928.

First Lieut. Ralph Harry Woolsey, Quartermaster Corps, from November 18, 1928.

First Lieut. Richard Francis Lussier, Infantry, from November 19, 1928.

First Lieut. Jack Roy Gage, Infantry, from November 21, 1928.

First Lieut. Raymond Peter Lavin, Infantry, from November 23, 1928.

First Lieut. Henry Wyatt Isbell, Infantry, subject to examination required by law, from November 24, 1928.

First Lieut. Willis Stanley Bryant, Field Artillery, from November 25, 1928.

First Lieut. Harland Clayton Griswold, Infantry, from November 26, 1928.

First Lieut. Ralph Edmund Powell, Infantry, from November 27, 1928.

First Lieut. Perry Wainer, Air Corps, from November 30, 1928.

First Lieut. Krauth Whitson Thom, Infantry, from December 6, 1928.

First Lieut. Guy Malcolm Kinman, Infantry, from December 7, 1928.

## PROMOTIONS IN THE NAVY

Commander Gordon W. Haines to be a captain in the Navy from the 6th day of November, 1928.

Lieut. Commander James R. Barry to be a commander in the Navy from the 6th day of November, 1928.

Lieut. Harrison Avery to be a lieutenant commander in the Navy from the 1st day of April, 1928.

Lieut. Thomas R. Cooley to be a lieutenant commander in the Navy from the 6th day of November, 1928.

Lieut. (Junior Grade) William B. Cranston to be a lieutenant in the Navy from the 10th day of January, 1928.

Lieut. (Junior Grade) Paul H. Wiedorn to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) Carl F. Espe to be a lieutenant in the Navy from the 3d day of July, 1928.

Lieut. (Junior Grade) Edward C. Metcalfe to be a lieutenant in the Navy from the 22d day of July, 1928.

Lieut. (Junior Grade) William F. Jennings to be a lieutenant in the Navy from the 1st day of September, 1928.

Lieut. (Junior Grade) John P. Whitney to be a lieutenant in the Navy from the 12th day of October, 1928.

Lieut. (Junior Grade) Joyce C. Cawthon to be a lieutenant in the Navy from the 16th day of November, 1928.

The following named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Redfield Mason. Herman E. Schieke.  
Hubert T. Waters. William H. Shahan.  
Donald A. Bush.

The following named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 1st day of April, 1927:

George C. Rhoades.  
John C. Parham.

Asst. Surg. John M. Woodard to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1928.

Paymaster Hervey B. Ransdell to be a pay inspector in the Navy, with the rank of commander, from the 1st day of April, 1927.

Pharmacist Maurice W. Throckmorton to be a chief pharmacist in the Navy, to rank with but after ensign, from the 19th day of November, 1928.

Chief Pay Clerk William D. Wilkinson to be a chief pay clerk in the Navy, to rank with but after ensign, from the 10th

day of October, 1925, to correct the date from which he takes rank as previously nominated and confirmed.

The following named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, from the 3d day of August, 1928:

George Helms.	Tony L. Hannah.
Timothy E. Kiley.	Herbert Duthie.
John P. Yates.	James G. McPherson.
Thomas W. Richards.	Albert G. Merrill.
Joseph M. Simms.	Frederick B. Britt.
Frederick C. LePine.	Robert B. Pick.
Matthew B. Pollock.	John H. Jack, jr.
Walter W. Toles.	Clarence W. Chaddock.
William C. Hardie.	Thomas F. O'Brien.
William F. Hamberger.	Irving B. McDaniel.
John A. Lord.	George T. Paine.
William O'Neill.	William A. Sullivan.
Frederick M. Kirchmier.	Harold Larner.
George A. Lazar.	Carl B. Harper.
Lawrence A. Maaske.	Ralph S. Barnaby.
Harry E. Cooper.	Clem H. Congdon.
Albert Tucker.	Raymond D. MacCart.
Clifton Greenwell.	Walter S. Diehl.
Joseph Feaster, jr.	William F. Twitchell.
Harry T. Newman.	Michael C. Faber.
Peter Treutlein.	Lucien M. Grant.
James W. Costello.	Antonio S. Pitre.
Robert H. Lake.	Joseph M. Kiernan.
Brandt W. Wilson.	George V. Whittle.
Stuart P. Mead.	Hugh W. Gokey.
Joseph J. Redington.	Roland G. Mayer.
Francis X. Maher.	William W. Hastings.
Robert Velz.	George W. Henderson.
Louis Haase.	Gerald W. Thomson.
Caleb Whitford.	William Neider.
Robert Morgan.	Cornelius V. S. Knox.
Joel A. Davis.	Virgil V. McKenna.
James P. Shovlin.	Wendell P. Roop.
Robert H. Neville.	Charles Hibbard.
John A. Price.	Karl Schmidt.

Assistant Civil Engineer Robert L. McLellan to be a civil engineer in the Navy, with the rank of lieutenant, from the 30th day of June, 1928.

The following named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, from the 3d day of August, 1928:

Harold W. Johnson.	Robert R. Yates.
Charles L. B. Anderson.	Albert A. L. Ort.
Dow H. Nicholson.	Clyde W. Coryell.
Allen Hoar.	Edward D. Graffin.
Harry LeG. Hilton.	Robert E. Hancock.
Collins L. Macrae.	William W. Schneider.
Edmund B. Keating.	Thomas J. Brady, jr.

Commander John W. Wilcox, jr., to be a captain in the Navy from the 11th day of December, 1928.

Lieut. (Junior Grade) Thomas B. Dugan to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) John A. Hollowell, jr., to be a lieutenant in the Navy from the 4th day of December, 1928.

Ensign Julian B. Jordan to be a lieutenant (junior grade) in the Navy from the 4th day of June, 1928.

The following named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

James A. McNally.  
Theodore Wolcott.

## POSTMASTERS

## ALABAMA

James C. Crim to be postmaster at Siluria, Ala., in place of B. L. Glasscock, resigned.

## ARIZONA

Robert W. Wingfield to be postmaster at Camp Verde, Ariz. Office became presidential July 1, 1928.

## ARKANSAS

Lovette J. Lee to be postmaster at Paris, Ark., in place of C. V. B. Harley, resigned.

## COLORADO

Sadie Mear to be postmaster at Buena Vista, Colo., in place of L. W. Tomkins. Incumbent's commission expired December 18, 1927.

Ferd G. Smith to be postmaster at Kim, Colo., in place of V. L. Waters, removed.



## IDAHO

Catherine J. Craig to be postmaster at Avery, Idaho, in place of C. J. Craig. Incumbent's commission expires December 17, 1928.

Golda O. Coy to be postmaster at Bovill, Idaho, in place of G. O. Coy. Incumbent's commission expires December 17, 1928.

Flossie G. Hill to be postmaster at Gooding, Idaho, in place of F. G. Hill. Incumbent's commission expired December 10, 1928.

## ILLINOIS

Rufus D. Denton to be postmaster at Carthage, Ill., in place of R. D. Denton. Incumbent's commission expired December 10, 1928.

Anna B. Dorsey to be postmaster at Lovejoy, Ill., in place of A. J. Arthur. Incumbent's commission expired May 20, 1928.

## IOWA

Ludwig C. Pedersen to be postmaster at Kimballton, Iowa, in place of R. P. Larsen, removed.

Elmer F. Walter to be postmaster at Manly, Iowa, in place of E. C. Reindl. Incumbent's commission expired June 5, 1928.

## KANSAS

Robert W. Cyr to be postmaster at Aurora, Kans., in place of R. W. Cyr. Incumbent's commission expired December 12, 1928.

Enos F. Halbert to be postmaster at Chapman, Kans., in place of E. F. Halbert. Incumbent's commission expired December 9, 1928.

## KENTUCKY

Stanley Byers to be postmaster at Horse Branch, Ky. Office became presidential July 1, 1928.

Jennie S. May to be postmaster at Stone, Ky., in place of Clyde Burton, resigned.

## MARYLAND

Mary N. Yates to be postmaster at La Plata, Md., in place of W. O. Yates, removed.

## MICHIGAN

Leon D. Corwin to be postmaster at Ashley, Mich., in place of L. D. Corwin. Incumbent's commission expired December 12, 1928.

## MINNESOTA

Isaac R. Lamppa, jr., to be postmaster at Embarrass, Minn., in place of M. R. Hannula, removed.

## MISSOURI

Henry L. Windler to be postmaster at Barnett, Mo., in place of H. L. Windler. Incumbent's commission expired December 10, 1928.

Joe W. Ralston to be postmaster at Clarksburg, Mo., in place of J. D. Reynolds, removed.

Hobart Lewis to be postmaster at Downing, Mo., in place of Hobart Lewis. Incumbent's commission expires December 17, 1928.

Stephen C. Accola to be postmaster at La Grange, Mo., in place of S. C. Accola. Incumbent's commission expires December 17, 1928.

John F. Burrell to be postmaster at Mountain View, Mo., in place of J. F. Burrell. Incumbent's commission expired December 11, 1928.

Charles E. Traylor to be postmaster at Richmond, Mo., in place of C. E. Traylor. Incumbent's commission expires December 17, 1928.

## MONTANA

William G. Hunter to be postmaster at Boulder, Mont., in place of G. M. Eiselein, resigned.

Rollin T. Spaulding to be postmaster at Stevensville, Mont., in place of H. T. Eastridge, resigned.

## NEBRASKA

Arthur F. Jarman to be postmaster at Ashland, Nebr., in place of A. F. Jarman. Incumbent's commission expired December 11, 1928.

Arnold J. Fiala to be postmaster at Brainard, Nebr., in place of A. J. Fiala. Incumbent's commission expired December 19, 1927.

Laura M. Baird to be postmaster at Cairo, Nebr., in place of L. M. Baird. Incumbent's commission expired December 11, 1928.

Leroy L. Ambler to be postmaster at Holbrook, Nebr., in place of L. L. Ambler. Incumbent's commission expires December 17, 1928.

Henry L. Nichols to be postmaster at Lebanon, Nebr., in place of H. L. Nichols. Incumbent's commission expired December 11, 1928.

George E. Barto to be postmaster at Wakefield, Nebr., in place of G. E. Barto. Incumbent's commission expired December 11, 1928.

Minnie M. Morrow to be postmaster at Winside, Nebr., in place of Jesse Witte. Incumbent's commission expired December 19, 1927.

George H. Holdeman to be postmaster at York, Nebr., in place of G. H. Holdeman. Incumbent's commission expired December 11, 1928.

## NEW JERSEY

Vivian O. Walters to be postmaster at Franklin, N. J., in place of V. O. Walters. Incumbent's commission expires December 18, 1928.

## NEW YORK

Roy M. Hackett to be postmaster at Hornell, N. Y., in place of R. M. Hackett. Incumbent's commission expired December 11, 1928.

## NORTH DAKOTA

Alexander H. Allan to be postmaster at Walhalla, N. Dak., in place of W. A. Andrews. Incumbent's commission expired January 24, 1928.

## OHIO

William C. Parks to be postmaster at Cadiz, Ohio, in place of W. C. Parks. Incumbent's commission expired January 5, 1927.

Guy G. Patchen to be postmaster at Columbiana, Ohio, in place of G. G. Patchen. Incumbent's commission expired May 17, 1928.

Elizabeth I. Grimm to be postmaster at Hopedale, Ohio, in place of E. I. Grimm. Incumbent's commission expired March 1, 1928.

Gertrude E. Lawson to be postmaster at Irondale, Ohio, in place of G. E. Lawson. Incumbent's commission expired March 27, 1928.

Walter L. Peet to be postmaster at Leetonia, Ohio, in place of W. L. Peet. Incumbent's commission expired February 8, 1928.

Perry A. Dickey to be postmaster at Rogers, Ohio, in place of P. A. Dickey. Incumbent's commission expired June 4, 1928.

Frank J. Eckstein to be postmaster at Salem, Ohio, in place of F. J. Eckstein. Incumbent's commission expired May 19, 1928.

## OKLAHOMA

Joseph Beasley, jr., to be postmaster at Bowlegs, Okla. Office became presidential July 1, 1928.

Walter C. Campbell to be postmaster at Carnegie, Okla., in place of W. C. Campbell. Incumbent's commission expired December 12, 1928.

Minnie A. Eaton to be postmaster at Inola, Okla., in place of M. A. Eaton. Incumbent's commission expired December 12, 1928.

Madge Morris to be postmaster at Lyman, Okla., in place of Madge Morris. Incumbent's commission expired December 10, 1928.

Emmette R. Talley to be postmaster at Mangum, Okla., in place of E. R. Talley. Incumbent's commission expired December 12, 1928.

## PENNSYLVANIA

Edna D. Scott to be postmaster at Dunbar, Pa., in place of W. E. Crowe. Incumbent's commission expired December 13, 1926.

Charles R. Batdorf to be postmaster at Fredericksburg, Pa. Office became presidential July 1, 1928.

Bayard L. Ilgenfritz to be postmaster at Woodbine, Pa. Office became presidential July 1, 1928.

## SOUTH DAKOTA

Bernard P. Corrigan to be postmaster at Cavour, S. Dak., in place of B. P. Corrigan. Incumbent's commission expired December 12, 1928.

Mabel Gilger to be postmaster at Nisland, S. Dak., in place of H. S. Gartley, resigned.

## TENNESSEE

Jesse L. Hope to be postmaster at Lenoir City, Tenn., in place of Arthur Taylor, removed.

Dana H. Wolfe to be postmaster at Sneedville, Tenn., in place of P. T. Livesay, resigned.

## TEXAS

James M. Stratton to be postmaster at Blum, Tex., in place of J. M. Stratton. Incumbent's commission expired December 10, 1928.

Alphonse Boog to be postmaster at D'Hanis, Tex., in place of Alphonse Boog. Incumbent's commission expired December 10, 1928.

Sylvan S. McCrary to be postmaster at Joaquin, Tex., in place of S. S. McCrary. Incumbent's commission expired December 10, 1928.

William I. Witherspoon to be postmaster at McAllen, Tex., in place of W. I. Witherspoon. Incumbent's commission expired December 10, 1928.

Charles A. Reiter to be postmaster at Muenster, Tex., in place of C. A. Reiter. Incumbent's commission expired December 10, 1928.

Charles I. Snedecor to be postmaster at Needville, Tex., in place of C. I. Snedecor. Incumbent's commission expired December 10, 1928.

Lydia Teller to be postmaster at Orange Grove, Tex., in place of Lydia Teller. Incumbent's commission expired December 10, 1928.

Casimiro P. Alvarez to be postmaster at Rio Grande, Tex., in place of C. P. Alvarez. Incumbent's commission expired December 10, 1928.

George M. Sewell to be postmaster at Talpa, Tex., in place of G. M. Sewell. Incumbent's commission expired December 10, 1928.

Charles F. Boettcher to be postmaster at Weimar, Tex., in place of C. F. Boettcher. Incumbent's commission expired December 10, 1928.

#### UTAH

Carlos C. Hansen to be postmaster at Midvale, Utah, in place of J. B. Wright, deceased.

#### VIRGINIA

James L. Humbert to be postmaster at Charlottesville, Va., in place of W. B. Murphy. Incumbent's commission expired February 24, 1927.

Byron Austin to be postmaster at Falls Church, Va., in place of V. T. Quick, resigned.

#### WEST VIRGINIA

John M. Stratton to be postmaster at Man, W. Va., in place of R. E. Gillespie, deceased.

### CONFIRMATIONS

*Executive nominations confirmed by the Senate December 14 (legislative day of December 13), 1928*

#### COMPTROLLER OF THE CURRENCY

John W. Pole to be Comptroller of the Currency.

#### POSTMASTERS

##### ALABAMA

Minnie V. Compton, Pine Apple.

##### ALASKA

Martin Conway, Skagway.

##### COLORADO

Beulah J. Wright, Estes Park.

##### GEORGIA

Julien V. Frederick, Marshallville.

##### KANSAS

Robert E. Chapman, Belle Plaine.

William T. Venell, Bird City.

Clitus B. Hosford, Lawrence.

Theodore C. Conklin, Mulvane.

Clarence G. Hart, Perry.

George E. Crawford, Whiting.

##### KENTUCKY

Howard C. Lewis, Morehead.

Raymond H. Heskamp, St. Matthews.

Elbert W. Beers, Van Lear.

John Lafferty, Wheelwright.

##### MICHIGAN

Samuel Perkins, Norway.

Joseph D. Norris, Turner.

##### NEW JERSEY

Robert E. Torrance, Arlington.

Ralph E. Liddle, Fords.

George W. Karge, Franklinville.

James L. O'Donnell, Hammonton.

Walter G. Barber, Millville.

Walter E. Walling, Port Monmouth.

Harry W. Mutchler, Rockaway.

Marie M. Giroud, Sewaren.

Hiram H. Shepherd, South Boundbrook.

##### NEW MEXICO

Edward H. Hemenway, Carlsbad.

Frank P. Brown, Hachita.

John L. Augustine, Lordsburg.

Charles E. Anderson, Roy.

Louise N. Martin, Socorro.

#### OHIO

George P. Foresman, Circleville.

Alsina E. Andrews, Risingsun.

Horace G. Randall, Sylvania.

#### OKLAHOMA

Henry A. Ravia, Bessie.

Burton A. Tyrrell, Fargo.

Earl C. Moore, Forgan.

Benjamin F. Rarick, Guymon.

Helen Whitlock, Maramec.

#### SOUTH CAROLINA

John W. Willis, Lynchburg.

#### WEST VIRGINIA

Mary Allen, Filbert.

Minnie Ratliff, Yukon.

### WITHDRAWAL

*Executive nomination withdrawn from the Senate December 14 (legislative day of December 13), 1928*

#### POSTMASTER

##### ILLINOIS

Oscar B. Harrauff to be postmaster at Princeton in the State of Illinois.

## HOUSE OF REPRESENTATIVES

FRIDAY, December 14, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We entreat the spirit of the Lord God to be upon us. Let this day be an open door to another opportunity for service. Bless us with ease of mind in disappointment and with victory over every fear. Give us beauty for ashes, the oil of joy for mourning, and the garment of praise for heaviness. Let the revelation of eternal love be our ideal. Thus equipped, may we toil for the extension of the good. Empty our hearts of all jealousy, pride, and covetousness, and all selfishness which creates the bitterness of the world. In the calendar of memory may we live as wise servants of the Republic and obedient children of Him who has opened the gates of mercy for all mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed without amendment a joint resolution and bill of the House of the following titles:

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; and

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

The message also announced that the Vice President had appointed Mr. BINGHAM, Mr. McMASTER, and Mr. BLACK members of the committee on the part of the Senate as provided for in the joint resolution (H. J. Res. 332) entitled "Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C."

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who informed the House that on the following dates the President did approve and sign bills of the House of the following titles:



On December 12, 1928:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

On December 13, 1928:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; and

H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.

#### REFERENCE OF A BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill H. R. 14670 be transferred from the Committee on Territories to the Committee on Ways and Means. I have consulted with the chairman of the Committee on Territories in regard to this.

Mr. GARNER of Texas. Mr. Speaker, what was the gentleman's request?

Mr. HAWLEY. I was asking for the transfer from the Committee on Territories to the Committee on Ways and Means of the bill H. R. 14670, introduced by the Delegate from Hawaii [Hon. V. S. K. Houston], to amend section 495, title 48, chapter 3, of the United States Code, exempting salaries of officers and employees of the Territory of Hawaii from the Federal income tax, which was referred to the Committee on Territories.

The SPEAKER. Without objection, the transfer of the bill will be made.

There was no objection.

#### PRESENTATION OF A GAVEL TO THE SPEAKER

Mr. ALLEN. Mr. Speaker, it was with the greatest pleasure that I was able this morning to present to you a gavel fashioned from the wood of a tree which grew in the front yard of the Hoover home in Iowa. In this connection I should like permission to extend my remarks in the Record by inserting a short statement sent to me by Mr. Robert Reed Wallace, who sent the gavel to me for presentation to the Speaker.

The SPEAKER. Without objection, it is so ordered.

The statement referred to is as follows:

If this bit of wood could speak our language, it would tell of the beginning of the journey of a care-free little boy from a 2-room house on a frontier prairie in Iowa to the White House in Washington, D. C.—to the greatest office in the gift of men and women—to the greatest responsibility that can rest on any one man in the world.

A sturdy blacksmith set up his forge and shop on the west branch of a little stream on the western prairie, and across the ox-cart road he established his home, and in the front yard of that home he and his good wife planted a tree, and that tree grew in the rich soil and pure air of Iowa—a little boy came and played under the friendly branches of that tree—the scythe of time took the father and mother and the relatives took the little boy and taught him the ways of the farm, and the country school, on which there is no better foundation to build a man, and that man is now the President elect of the United States, the highest office in the gift of men and women, and the greatest possible responsibility that can rest on any man in the world.

This gavel was fashioned of wood out of the tree planted by Mr. Hoover's father and mother—intrinsically it has little value, while inspirationally it has immeasurable value if we will allow it to epitomize what can be accomplished by a boy who will apply the very best that is in him to every physical, mental, moral, social, political, and humanitarian problem that presents itself to him, and it is with that inspirational value in mind that the gavel is now presented to the Speaker of the House of Representatives.

The people of the United States and of the world are expecting much of Mr. Hoover and his accomplished wife, and I have faith that they will measure up as far as it is possible for human beings to measure up, and I know we will have for our President a man well born, well educated, well seasoned, and widely experienced, a diligent, conscientious, humble, Christian gentleman.

ROBERT REED WALLACE,  
Hamilton, Ill.

#### INAUGURATION OF THE PRESIDENT ELECT

Mr. SNELL. Mr. Speaker, I present a privileged report (Rept. No. 1951) from the Committee on Rules on Senate Concurrent Resolution 24.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

#### Senate Concurrent Resolution 24

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the

Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

Mr. SNELL. Mr. Speaker, I simply desire to state that this is the usual resolution that is passed once in four years preceding the inauguration of a new President. This resolution is considered to be an authorization for an appropriation which will be carried in the deficiency bill.

I think that is all that is to be said about that at this time. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Speaker appoints as members of that committee Mr. SNELL, Mr. DYER, and Mr. POU.

#### PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana calls up the bill H. R. 14800, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The bill was read.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 501. Rose A. Patten.	H. R. 622. Anna Reyle.
H. R. 510. Nancy J. Cain.	H. R. 623. Emma S. De Gour.
H. R. 512. Carrie H. Frelove.	H. R. 625. Helen Schaffer.
H. R. 513. Mary E. Hanna.	H. R. 626. Mary J. Seaman.
H. R. 514. Naomi Johnson.	H. R. 627. Catharine A. Sellers.
H. R. 515. Addie Pipes.	H. R. 628. Ellen Seiders.
H. R. 520. Hulda A. Blake.	H. R. 629. Rebecca C. Betz.
H. R. 521. Margaret M. Cunningham.	H. R. 632. Annie Downs.
H. R. 524. Ellen Gebhart.	H. R. 633. Lavina Strohecker.
H. R. 525. Hannah Giffin.	H. R. 634. Rebecca E. Patterson.
H. R. 530. Sarah E. Shaferman.	H. R. 635. Elizabeth Marks.
H. R. 533. Barbara Bray.	H. R. 636. Sarah E. Mason.
H. R. 537. Sophronia Williams.	H. R. 638. Susan Dry.
H. R. 538. Margaretta C. Feay.	H. R. 640. Katharine Flaig.
H. R. 541. Rebecca E. Nuzum.	H. R. 641. Caroline Schweimler.
H. R. 543. Elcie Been.	H. R. 642. Anna Saul.
H. R. 545. Rebecca Neal.	H. R. 643. Caroline C. Fehr.
H. R. 546. Emma F. De Moss.	H. R. 644. Cordelia Fisher.
H. R. 550. Sallie Neidhardt.	H. R. 646. Emma R. Derr.
H. R. 552. Sarah B. Ray.	H. R. 647. Mary Dethampl.
H. R. 553. Sarah H. Miller.	H. R. 648. Mary Platz.
H. R. 555. Gertrude Wiedebusch.	H. R. 650. Mary B. Davis.
H. R. 557. Ary Shaw.	H. R. 652. Margaret Schlegel.
H. R. 559. Sivilla C. Moore.	H. R. 655. Annie R. Trout.
H. R. 560. Sarah V. Merrifield.	H. R. 657. Isabella Hain.
H. R. 562. Rhoda McEldowney.	H. R. 659. Anna M. Swavely.
H. R. 563. Mary R. McIlvain.	H. R. 660. Margaret M. Power.
H. R. 565. Mary E. Hohmann.	H. R. 662. Jennie S. Long.
H. R. 566. Catharine Geldbaugh.	H. R. 663. Catharine Michael.
H. R. 568. Eva Coffman.	H. R. 668. Ellen A. Williamson.
H. R. 580. Melara C. Abbott.	H. R. 671. Rebecca J. Reber.
H. R. 581. Theresa Bingaman.	H. R. 672. Amelia Reed.
H. R. 582. Sarah C. Aunsbach.	H. R. 674. Catharine E. Hassler.
H. R. 583. Rebecca Redcay.	H. R. 675. Emma R. Hartline.
H. R. 584. Mary C. Cooper.	H. R. 676. Mary A. Hinnerstiz.
H. R. 586. Margaret Reifsnnyder.	H. R. 677. Ellen E. Yeager.
H. R. 587. Emma L. Ermentrout.	H. R. 679. Rebecca E. Stamm.
H. R. 588. Sarah McCauley.	H. R. 680. Elizabeth Foos.
H. R. 589. Catharine McCloskey.	H. R. 681. Lavina Angstadt.
H. R. 591. Ellen Snyder.	H. R. 682. Lovina S. Knoll.
H. R. 592. Susie C. Rishell.	H. R. 683. Sarah M. Orner.
H. R. 598. Catharine Leas.	H. R. 686. Louisa Aulenbach.
H. R. 599. Amanda Wade.	H. R. 687. Clara Geiger.
H. R. 600. Eva A. Spear.	H. R. 688. Mary I. Flanagan.
H. R. 601. Mary C. Calvin.	H. R. 689. Susan Achenbach.
H. R. 602. Lucy Hock.	H. R. 691. Mary Ann Miller.
H. R. 603. Sarah Berheiser.	H. R. 693. Agnes F. Gibson.
H. R. 604. Catharine Hoover.	H. R. 694. Lydia Gery.
H. R. 607. Emily V. Ressler.	H. R. 695. Catharine Rader.
H. R. 608. Josephine Butterweck.	H. R. 696. Sarah Ann Garnet.
H. R. 610. Anna M. Rode.	H. R. 699. Lizzie H. Graul.
H. R. 611. Sarah Ulrich.	H. R. 701. Annie Boyer.
H. R. 613. Hannah A. Brittain.	H. R. 702. Haneefa Boyer.
H. R. 614. Elizabeth P. Weidner.	H. R. 703. Catharine Reeder.
H. R. 615. Sarah Sauerwine.	H. R. 704. Susan Gehret.
H. R. 617. Tamsen A. Wells.	H. R. 708. Elizabeth F. Miller.
H. R. 618. Amelia Grosscup.	H. R. 709. Martha Beamerderfer.
H. R. 619. Kate Grommis.	H. R. 710. Anna M. Rumford.
H. R. 620. Eleisie A. Kern.	H. R. 711. Susan Griffith.
H. R. 621. Lucy Kern.	H. R. 712. Mary A. Kinch.

H. R. 713. Kittle A. Miltower.	H. R. 1091. Esther E. Lazelle.	H. R. 1347. Sophia Swaney.	H. R. 1761. Hannah McGuyer.
H. R. 714. Hannah M. J. Myers.	H. R. 1093. Mary Van Wormer.	H. R. 1348. Lavina P. Swaney.	H. R. 1762. Ellen McKinty.
H. R. 716. Emma M. Ebbert.	H. R. 1096. Mary J. Ansell.	H. R. 1352. Sarah J. Vaughan.	H. R. 1763. Anna E. Schermerhorn.
H. R. 717. Kate Winter.	H. R. 1098. Matilda M. Ballard.	H. R. 1355. Annie V. Young.	H. R. 1765. Cella P. Rose.
H. R. 719. Elizabeth Graf.	H. R. 1099. Elizabeth Baty.	H. R. 1356. Kate A. Zinn.	H. R. 1766. Mary R. Sheffer.
H. R. 720. Mary E. Reeser.	H. R. 1100. Isabel C. Bennett.	H. R. 1367. Luella E. Shaw.	H. R. 1768. Maria Simpson.
H. R. 722. Ellen Smith.	H. R. 1101. Annie H. Bills.	H. R. 1371. Margaret L. Spencer.	H. R. 1769. Helen P. Smith.
H. R. 723. Emma L. Smith.	H. R. 1102. Caroline Boerodalle.	H. R. 1373. Clemania Parker.	H. R. 1770. Jane L. Smith.
H. R. 724. Elizabeth Bressler.	H. R. 1103. Eva E. Bowman.	H. R. 1374. Helen S. Glidden.	H. R. 1773. Amelia H. Stone.
H. R. 725. Sarah H. Cleaver.	H. R. 1107. Catherine Connor.	H. R. 1375. Eliza Schutt.	H. R. 1774. Julia A. Stimpson.
H. R. 727. Hannah F. Hauck.	H. R. 1108. Edwina C. Cook.	H. R. 1376. Mary J. Hurley.	H. R. 1775. Louisa Taffe.
H. R. 728. Margaret L. Briner.	H. R. 1109. Mary Jane Cooper.	H. R. 1378. Albina D. Thom.	H. R. 1776. Katherine E. Tarbell.
H. R. 729. Anna J. Bright.	H. R. 1111. Sarah A. Coyle.	H. R. 1399. Lavina M. Norton.	H. R. 1778. Marcella Tetro.
H. R. 731. Maria Roth.	H. R. 1112. Mary Crelly.	H. R. 1400. Mary E. Halsey.	H. R. 1779. Louise F. Thomson.
H. R. 733. Susan Shell.	H. R. 1113. Charlotte V. Cruser.	H. R. 1414. Nannie L. Brand.	H. R. 1781. Mary J. Evans.
H. R. 734. Rachel L. Shultz.	H. R. 1114. Sarah R. H. Culbertson.	H. R. 1415. Mary E. Wooley.	H. R. 1783. Clara J. Dwyer.
H. R. 735. Amanda Worley.		H. R. 1416. Catherine Weitner.	H. R. 1788. Electa J. Baker.
H. R. 737. Annie Snayberger.	H. R. 1120. Oriana M. Farnham.	H. R. 1423. Emily Raber.	H. R. 1790. Anna Dunkley.
H. R. 738. Mary L. Williams.	H. R. 1121. Emma J. Fogarty.	H. R. 1434. Vina Herron.	H. R. 1792. Julia Deridder.
H. R. 739. Annie E. Mozingo.	H. R. 1124. Ann Fox.	H. R. 1435. Lydia Haven.	H. R. 1794. Rosanna Cushing.
H. R. 742. Anna B. Shaw.	H. R. 1125. Frances L. Gamble.	H. R. 1439. Mary E. Fellows.	H. R. 1796. Hannah Cull.
H. R. 747. Hannah Clark.	H. R. 1129. Martha J. Heindold.	H. R. 1440. Mariah Evans.	H. R. 1797. Edith Crandall.
H. R. 748. Mary Buchanan.	H. R. 1130. Lucy A. Hodges.	H. R. 1441. Sarah Doolin.	H. R. 1799. Mary Connor.
H. R. 756. Samantha A. Mewhinney.	H. R. 1132. Abigail D. Hunt.	H. R. 1442. Fetney Jane Devore.	H. R. 1800. Rosetta Connelly.
H. R. 757. Fidelia E. Lane.	H. R. 1134. Josephine C. Jones.	H. R. 1443. Mary A. Delay.	H. R. 1802. Mary F. Case.
H. R. 758. Sarah E. Chandler.	H. R. 1142. Elizabeth McDowell.	H. R. 1445. George Ann Cunningham.	H. R. 1803. Elizabeth Fredericks.
H. R. 759. Mary E. McConnell.	H. R. 1143. Susie Mahoney.	H. R. 1446. Pauline E. Beals.	H. R. 1805. Lucinda Bullock.
H. R. 761. Fannie H. Buchanan.	H. R. 1145. Ida Milan.	H. R. 1447. Anna Blue.	H. R. 1807. Lucy A. Brown.
H. R. 763. Mary A. Dorrel.	H. R. 1146. Alice Montondo.	H. R. 1453. Louisa Reeves.	H. R. 1808. Annie Brazier.
H. R. 764. Eva B. Frazier.	H. R. 1149. Mary Neff.	H. R. 1454. Eunice Morris.	H. R. 1815. Angeline Davis.
H. R. 765. Isabella A. Long.	H. R. 1150. Margaret O'Leary.	H. R. 1458. Julia A. Crouse.	H. R. 1820. Sarah E. Terwilliger.
H. R. 805. Mary A. McBride.	H. R. 1154. Anne Parsons.	H. R. 1462. Rowena R. Coombs.	H. R. 1823. Elizabeth Bogart.
H. R. 806. Fredonia A. Lauder.	H. R. 1158. Nellie Regan.	H. R. 1471. Fannie Hudson.	H. R. 1824. Mary A. Lohnes.
H. R. 808. Anna Fetsch.	H. R. 1165. Gertrude Siebert.	H. R. 1472. Sally Smith.	H. R. 1826. Ollie Fye.
H. R. 810. Mary Ann Leary.	H. R. 1166. Frances E. Simpson.	H. R. 1474. Martha F. Vanzant.	H. R. 1827. Nancy E. Mount.
H. R. 828. Emma A. Young.	H. R. 1167. Louise A. Smith.	H. R. 1476. Susan J. Hendrick.	H. R. 1828. Anna Mathews.
H. R. 829. Anna Erwin.	H. R. 1168. Elizabeth J. Spencer.	H. R. 1478. Margaret E. Wallace.	H. R. 1829. Permelia Gorbam.
H. R. 831. Susan D. Ralph.	H. R. 1169. Ida H. Stokes.	H. R. 1482. Mary E. Brooks.	H. R. 1831. Mary J. Hardy.
H. R. 832. Bridget E. Lovejoy.	H. R. 1170. Margaret A. Sutton.	H. R. 1513. Margaret E. Laux.	H. R. 1834. Rebecca A. Grubbs.
H. R. 835. Sarah J. McFarlan.	H. R. 1172. Florence Tripp.	H. R. 1514. Amanda E. Rogers.	H. R. 1835. Jane Ward.
H. R. 837. Melissa L. Spader.	H. R. 1175. Ida M. Wheeler.	H. R. 1515. Amelia C. Burrows.	H. R. 1839. Sarah A. Smith.
H. R. 840. Jeannette M. Sheldon.	H. R. 1178. Mary A. Wilson.	H. R. 1516. Mary L. Woodhull.	H. R. 1840. Melissa A. Anthony.
H. R. 842. Alice Jordan.	H. R. 1180. Minerva A. Woodruff.	H. R. 1517. Amelia Conlon.	H. R. 1841. Lovina Wort.
H. R. 846. Beatrice Murphy.	H. R. 1181. Mary E. Young.	H. R. 1526. Mary McAndrew.	H. R. 1845. Sarah E. Harrell.
H. R. 869. Mamie E. Robinson.	H. R. 1184. Sophia M. Barth.	H. R. 1544. Eliza C. Greene.	H. R. 1846. Amanda A. Osborn.
H. R. 873. Sarah J. Brown.	H. R. 1210. Nancy Bachor.	H. R. 1545. Isabel R. Mayes.	H. R. 1847. Harriet M. Brown.
H. R. 874. Christina Stein.	H. R. 1211. Frances Bicknell.	H. R. 1565. Sarah Gochey.	H. R. 1848. Salina Wilt.
H. R. 875. Mary I. Courtney.	H. R. 1212. Annie Bowman.	H. R. 1566. Frances Somerville.	H. R. 1849. Dora L. Coddington.
H. R. 877. Serena Swift.	H. R. 1213. Phebe Carlton.	H. R. 1568. Georgie A. Wallace.	H. R. 1850. Eva Bless.
H. R. 878. Mary F. Frame.	H. R. 1214. Ella A. Coleman.	H. R. 1570. Ellen Drohan.	H. R. 1851. Susannah R. Daves.
H. R. 881. Janette Stokes.	H. R. 1215. Mary E. B. Davidson.	H. R. 1572. Nancy J. Hope.	H. R. 1852. Emily J. Flanigan.
H. R. 882. Isabella Conner.	H. R. 1216. Catherine Doran.	H. R. 1573. Sarah J. Gott.	H. R. 1853. Clarinda Curies.
H. R. 884. Hannah J. Gibson.	H. R. 1218. Virginia L. Grosvenor.	H. R. 1577. Martha M. Fairchild.	H. R. 1854. Harriet M. Simmons.
H. R. 885. Caroline Uphoff.	H. R. 1220. Annie Hastings.	H. R. 1579. Elizabeth Lawton.	H. R. 1855. Sarah M. Ferguson.
H. R. 891. Ann E. Trampe.	H. R. 1223. Clarinda Johnson.	H. R. 1581. Julia A. Rosenberger.	H. R. 1856. Anna Ambrose.
H. R. 892. Emma Clark.	H. R. 1228. Arvilla Ours.	H. R. 1592. Susan A. Whiting.	H. R. 1857. Liddy J. Beck.
H. R. 893. Judith Ann Hay.	H. R. 1231. Delia D. Phillips.	H. R. 1594. Elizabeth Gordon.	H. R. 1858. Fostina Hatt.
H. R. 894. Nancy T. Tyler.	H. R. 1233. Mary E. Rankin.	H. R. 1599. Harriet N. Crabb.	H. R. 1859. Emma Stonebraker.
H. R. 896. Susan F. Miller.	H. R. 1236. Nancy Ann Rouse.	H. R. 1602. Charicta A. Blossom.	H. R. 1860. Abbie C. Britton.
H. R. 899. Mary F. June.	H. R. 1237. Missouri F. Sanders.	H. R. 1603. Evelyn Reynolds.	H. R. 1861. Eliza McDaniel.
H. R. 900. Mary L. Vance.	H. R. 1239. Adaline E. Shiers.	H. R. 1605. Margaret E. Vinling.	H. R. 1862. Adeline R. McCorkle.
H. R. 901. Elizabeth Herring.	H. R. 1240. Mary E. Small.	H. R. 1606. Margaret Gates.	H. R. 1863. Alice J. McClelland.
H. R. 902. Lidy Shaul.	H. R. 1241. Elizabeth Stobert.	H. R. 1607. Sarah E. Purdy.	H. R. 1864. Lucy J. Swearingen.
H. R. 903. Cynthia A. Henderson.	H. R. 1244. Josephine V. Walker.	H. R. 1608. Mary J. Dixon.	H. R. 1870. Ida V. Spencer.
H. R. 904. Sarah E. Sutton.	H. R. 1247. Mary M. Wilson.	H. R. 1609. Sarah A. V. Pepper.	H. R. 1873. Lydia E. Chappellear.
H. R. 965. Eliza E. Smith.	H. R. 1250. Helen L. Ferguson.	H. R. 1610. Ella S. Boomer.	H. R. 1874. Olive R. Chance.
H. R. 983. Antoinette F. Cushing.	H. R. 1251. Catherine Moore.	H. R. 1611. Ellen Manchester.	H. R. 1877. Lucinda Barnes.
H. R. 987. Emma J. Turner.	H. R. 1253. Victorena Rush.	H. R. 1612. Ella C. Daniels.	H. R. 1878. Louisa McMurtrey.
H. R. 990. Virginia Pace.	H. R. 1256. Johanna Neugebauer.	H. R. 1613. Mary B. Jennings.	H. R. 1880. Fannie Blood.
H. R. 991. Susan V. Faucett.	H. R. 1260. Matilda Wilson.	H. R. 1614. Sara M. Hamilton.	H. R. 1881. Emily A. Casselman.
H. R. 998. Mary A. Slater.	H. R. 1261. Catharine Klinker.	H. R. 1652. Louisa A. Snow.	H. R. 1882. Rebecca J. McClure.
H. R. 1012. Frances A. Williams.	H. R. 1263. Jennie Lindsey.	H. R. 1653. Mary E. Orth.	H. R. 1884. Emma D. Jones.
H. R. 1014. Clara B. Brown.	H. R. 1264. Jennie McDaniel.	H. R. 1655. Huldah A. Hudson.	H. R. 1889. Sarah S. Lutes.
H. R. 1015. Annie Ritchie.	H. R. 1266. Nancy S. Allen.	H. R. 1656. Sarah J. Driskill.	H. R. 1890. Caroline Maidel.
H. R. 1016. Amanda J. Cowan.	H. R. 1267. Edith V. Jones.	H. R. 1657. Hannah Dinsmore.	H. R. 1891. Eva H. Miller.
H. R. 1017. Laura A. Tarbell.	H. R. 1269. Emily D. Monk.	H. R. 1658. Margaret M. Mudgett.	H. R. 1896. Mary A. Ruch.
H. R. 1018. Susan Ingalls Nason.	H. R. 1274. Mary Everhart.	H. R. 1659. Minty E. Spears.	H. R. 1898. Alice M. Simmons.
H. R. 1031. Sarah E. Anderson.	H. R. 1275. Almira R. Graham.	H. R. 1660. Mary A. Nordyke.	H. R. 1899. Eliza Snyder.
H. R. 1032. Mary Drake.	H. R. 1281. Mary Hatfield.	H. R. 1661. Margaret A. Lincoln.	H. R. 1902. Louise Spade.
H. R. 1033. Margaret I. Wehrly.	H. R. 1282. Laura M. Julian.	H. R. 1663. Mary A. McCaw.	H. R. 1906. Janette L. Taylor.
H. R. 1035. Margaret C. Tiedeman.	H. R. 1285. Mary Pumpelly.	H. R. 1665. Nancy J. Griffey.	H. R. 1907. Ida A. Tuller.
H. R. 1036. Martha E. J. Milfin.	H. R. 1297. Eleanor E. Hugh.	H. R. 1666. Caroline S. Hunt.	H. R. 1908. Mary J. Turner.
H. R. 1037. Matilda Misener.	H. R. 1299. Kate S. Hyatt.	H. R. 1671. Emma J. Combs.	H. R. 1913. Emma B. Bush.
H. R. 1038. Amelia Manco.	H. R. 1300. Margaret A. Inks.	H. R. 1672. Lella E. Benham.	H. R. 1915. Carrie W. Christy.
H. R. 1039. Lydia Miller.	H. R. 1301. Carolin Johnson.	H. R. 1682. Elizabeth B. Fletcher.	H. R. 1917. Annie Donley.
H. R. 1041. Elizabeth Knott.	H. R. 1302. Nancy E. Keener.	H. R. 1691. Amanda Insell.	H. R. 1918. Mary A. Ellsworth.
H. R. 1043. Mary E. Green.	H. R. 1304. Edith P. Kerr.	H. R. 1698. Anna Craft.	H. R. 1920. Phebe H. B. Starr.
H. R. 1044. Augusta Dawson.	H. R. 1305. Amanda J. Kessler.	H. R. 1699. Theresa L. McCleary.	H. R. 1922. Jenettie E. Evans.
H. R. 1045. Emma J. Hatfield.	H. R. 1306. Margaret Kresler.	H. R. 1700. Della Lockwood.	H. R. 1923. Emma Greeley.
H. R. 1046. Emma Callaway.	H. R. 1309. Margaret Martin.	H. R. 1702. Fannie I. Lewis.	H. R. 1925. Mary M. Tinker.
H. R. 1048. Clara E. Criswell.	H. R. 1310. Sadie McEwen.	H. R. 1705. Valina Larose.	H. R. 1956. Lizzie M. Aspinwall.
H. R. 1050. Sarah R. Scott.	H. R. 1311. Susan McLaughlin.	H. R. 1706. Mary Laport.	H. R. 1971. Martha Bosley.
H. R. 1051. Alpha L. Dutler.	H. R. 1313. Sarah Morrison.	H. R. 1707. Ladora V. Lapham.	H. R. 1981. Sophia E. Ball.
H. R. 1055. Martha J. Treesh.	H. R. 1314. Mary Mostoller.	H. R. 1708. Julia Lackey.	H. R. 1983. Mary Jane Cressey.
H. R. 1056. Annie L. Shaffstall.	H. R. 1315. Donna M. Myers.	H. R. 1712. Mary E. Hulet.	H. R. 1984. Mary A. Harrington.
H. R. 1058. Elizabeth M. Richardson.	H. R. 1316. Rachel L. Pastorius.	H. R. 1714. Emma W. Hays.	H. R. 1986. Nancy A. Shields.
H. R. 1059. Bettie E. Rowsey.	H. R. 1318. Elizabeth S. Provance.	H. R. 1716. Abbie Hackett.	H. R. 2012. Laura Shaw.
H. R. 1060. Harriet Runlon.	H. R. 1322. Carrie S. Richey.	H. R. 1726. Damlie Fuller.	H. R. 2020. Ida S. Braisted.
H. R. 1061. Mary Pritchard.	H. R. 1323. Ellen Rininger.	H. R. 1728. Harriet S. Fellows.	H. R. 2027. Margaret Eggleston.
H. R. 1062. Isabel Pumpfrey.	H. R. 1325. Annie Arrington.	H. R. 1750. Mary S. Norton.	H. R. 2028. Clara J. Eldredge.
H. R. 1063. Nellie Misner.	H. R. 1326. Margaret Artis.	H. R. 1733. Cornelia J. Wilson.	H. R. 2032. Elizabeth W. Frank.
H. R. 1064. Magdaline Hartman.	H. R. 1328. Mollie M. Bell.	H. R. 1738. Flora L. Patterson.	H. R. 2038. Frances L. Holmes.
H. R. 1065. Mary D. Hatch.	H. R. 1330. Martha J. Buttermore.	H. R. 1740. Anna E. Pateman.	H. R. 2047. Mary Murray.
H. R. 1068. Rebecca A. Babcock.	H. R. 1331. Margaret Byers.	H. R. 1743. Mary Norton.	H. R. 2048. Emma M. Myers.
H. R. 1069. Frances A. Perkins.	H. R. 1332. Sarah E. Clouse.	H. R. 1745. Helen Potter.	H. R. 2050. Rosella Paukett.
H. R. 1070. Amanda D. Anderson.	H. R. 1335. Nannie Dively.	H. R. 1747. Jane Pelletier.	H. R. 2052. Cynthia L. Piercy.
H. R. 1074. Nancy L. Bell.	H. R. 1336. Hannah Ann Evans.	H. R. 1748. Phoebe Pecue.	H. R. 2053. Jennie Platt.
H. R. 1075. Margaret A. Curtis.	H. R. 1340. Malinda Gaumer.	H. R. 1749. Lottie Porter.	H. R. 2060. Jane A. Shampine.
H. R. 1076. Harriet Daub.	H. R. 1341. Susan Handlin.	H. R. 1751. Mahala J. Millias.	H. R. 2066. Sarah E. Wait.
H. R. 1081. Anna L. Tranbarger.	H. R. 1342. Rebecca Henry.	H. R. 1752. Aceneath E. Miller.	H. R. 2109. Florence Whitney.
H. R. 1083. Mary A. Lantz.	H. R. 1343. Emma Herring.	H. R. 1754. Lucy E. Moulton.	H. R. 2112. Abbie Cory.
H. R. 1084. Mary C. Blackburn.	H. R. 1344. Jennie Rutter.	H. R. 1755. Georgeanna Murray.	H. R. 2117. Mary A. Taggart.
H. R. 1085. Martha E. Maxfield.	H. R. 1345. Barbara Rummel.	H. R. 1757. Francis M. Nelson.	H. R. 2124. Louisa Denno.
H. R. 1090. Emma L. Howell.	H. R. 1346. Rachel J. Schock.		



H. R. 2125.	Frances E. Mack.	H. R. 2516.	Hattie McKeehen.	H. R. 2763.	Rebecca Horn.	H. R. 3088.	Adaline A. Lawyer.
H. R. 2128.	Helena Sargent.	H. R. 2517.	Angeline Mow.	H. R. 2764.	Catharine Turnbaugh.	H. R. 3093.	Jennie McCrady.
H. R. 2129.	Ellen Shaugnessy.	H. R. 2518.	Julia B. Potter.	H. R. 2766.	Annie I. Latherow.	H. R. 3100.	Mary H. Sharp.
H. R. 2130.	Mary Strong.	H. R. 2537.	Jeannette Twomey.	H. R. 2767.	Mary E. Lindley.	H. R. 3115.	Mary E. Vore.
H. R. 2147.	Sarah Dickie.	H. R. 2540.	Rhoda A. Byers.	H. R. 2768.	Bertha H. Lafner.	H. R. 3128.	Amelia Harvey.
H. R. 2148.	Josephine Christopher.	H. R. 2543.	Rosa I. Post.	H. R. 2769.	Sarah E. Bruner.	H. R. 3131.	Esther Shear.
H. R. 2149.	Emma C. Wiley.	H. R. 2547.	Cornelia Splawn.	H. R. 2770.	Leah D. Barger.	H. R. 3133.	Mary D. McCracken.
H. R. 2150.	Margaret Crawford.	H. R. 2548.	Nancy A. Brown.	H. R. 2771.	Catharine Lehman.	H. R. 3137.	Charlotte Goodman.
H. R. 2159.	Kate R. Forrester.	H. R. 2549.	Mary A. Bassett.	H. R. 2772.	Alice Plunket.	H. R. 3140.	Adelia A. Davidson.
H. R. 2161.	Lyte R. Buxton.	H. R. 2550.	Katherine Brandt.	H. R. 2773.	Mary E. Feay.	H. R. 3141.	Lucinda M. Lippy.
H. R. 2168.	Lucinda E. Smith.	H. R. 2551.	Amelia A. Bunch.	H. R. 2776.	Mary I. Gracey.	H. R. 3142.	Almeda D. Warhurst.
H. R. 2171.	Anselma Huffine.	H. R. 2552.	Lucy A. Coffin.	H. R. 2777.	Sarah J. Rhodes.	H. R. 3151.	Anna Maria Jacobs.
H. R. 2172.	Ann Eliza Bell.	H. R. 2553.	Amyetta Kirk.	H. R. 2778.	Bettie S. Satterfield.	H. R. 3152.	Mary A. Koch.
H. R. 2177.	Ida Bishop.	H. R. 2554.	Ellen Thompson.	H. R. 2781.	Lizzie S. Hight.	H. R. 3158.	Johanna C. Clark.
H. R. 2178.	Mary J. Hinman.	H. R. 2555.	Lizzie M. Reynolds.	H. R. 2782.	Eliza A. Rosebury.	H. R. 3172.	Nancy A. Blakely.
H. R. 2179.	Hettie A. Overmyer.	H. R. 2556.	Mary C. Moyer.	H. R. 2783.	Laura V. Perdew.	H. R. 3173.	Isabella M. Mehaffie.
H. R. 2181.	Anna J. Newton.	H. R. 2560.	Sarah H. Benedict.	H. R. 2784.	Hannah C. Foor.	H. R. 3174.	Clotilda Snyder.
H. R. 2194.	Ida M. Jones.	H. R. 2562.	Mary J. Diehl.	H. R. 2786.	Margaret E. Boyer.	H. R. 3177.	Caroline E. Girrel.
H. R. 2208.	Cynthia A. Bozell.	H. R. 2563.	Lucia Furguson.	H. R. 2789.	Frances C. Mechen.	H. R. 3182.	Mary Martin.
H. R. 2214.	Martha E. Lett.	H. R. 2565.	Etta E. Williams.	H. R. 2790.	Emma J. Mills.	H. R. 3185.	Anna M. Miller.
H. R. 2216.	Pernelia C. Wilson.	H. R. 2568.	Francella Frost.	H. R. 2792.	Hannah O. Cooper.	H. R. 3186.	Alice A. Robb.
H. R. 2218.	Matilda Aldrich.	H. R. 2591.	Sarah J. Weidner.	H. R. 2793.	Elizabeth Hausman.	H. R. 3195.	Amny L. Le Roy.
H. R. 2219.	Esther A. Wilson.	H. R. 2593.	Mary R. Thomas.	H. R. 2794.	Mary M. Clossin.	H. R. 3196.	Mary A. Juengst.
H. R. 2224.	Susan Bruce.	H. R. 2596.	Melissa A. Schneck.	H. R. 2804.	Alice J. Selden.	H. R. 3207.	Amelia Bauman.
H. R. 2225.	Martha J. Cook.	H. R. 2597.	Theressa P. Hardy.	H. R. 2814.	Catherine Dorr.	H. R. 3208.	Lavina Beatty.
H. R. 2233.	Florence Hadrich.	H. R. 2598.	Mary J. Goehard.	H. R. 2824.	Frederike Jones.	H. R. 3209.	Anna C. Broker.
H. R. 2238.	Cornelia D. Haslet.	H. R. 2599.	Mary T. Eagy.	H. R. 2825.	Amelia A. Green.	H. R. 3210.	Cynthia A. Johnston.
H. R. 2239.	Mary A. Connor.	H. R. 2600.	Ally Dice.	H. R. 2827.	Margaret Schmall.	H. R. 3212.	Elizabeth C. Wayne.
H. R. 2248.	Mary Stanfield.	H. R. 2602.	Margie Combs.	H. R. 2829.	Amanda Phillips.	H. R. 3213.	Pernelia Mackey.
H. R. 2249.	Sarah E. Wirick.	H. R. 2603.	Esther Carpenter.	H. R. 2831.	Priscilla A. Pinney.	H. R. 3234.	Clara E. Slaven.
H. R. 2251.	Mary E. McGinnis.	H. R. 2605.	Mary E. Lawhead.	H. R. 2832.	Pauline Murray.	H. R. 3235.	Adell I. McKelvey Young.
H. R. 2252.	Anna C. Barber.	H. R. 2607.	Emma J. Ebert.	H. R. 2833.	Bridget Marshall.	H. R. 3236.	Mary E. Eckert.
H. R. 2256.	Lucy H. Bishop.	H. R. 2608.	Malinda J. Holloper.	H. R. 2834.	Augusta Engelhardt.	H. R. 3237.	Mary J. White.
H. R. 2258.	Catherine Ely.	H. R. 2626.	Alice Holderman.	H. R. 2835.	Mary Corcoran.	H. R. 3258.	Jane L. Terbush.
H. R. 2259.	Agnes A. Brown.	H. R. 2627.	Thursey F. Knight.	H. R. 2840.	Sarah C. Heriford.	H. R. 3276.	Rose M. Green.
H. R. 2260.	Sarah A. Wood.	H. R. 2630.	Mary A. Rardin.	H. R. 2849.	Margaret F. Morris.	H. R. 3288.	Clara G. Burtis.
H. R. 2261.	Alice Wolff.	H. R. 2631.	Alicia Ralston.	H. R. 2860.	Mattie R. Way.	H. R. 3289.	Cynthia E. Dillard.
H. R. 2262.	Emeretta Wilson.	H. R. 2633.	Martha Stockley.	H. R. 2861.	Mary A. Tullis.	H. R. 3291.	Theodosia Hammond.
H. R. 2263.	Alida E. Whipple.	H. R. 2634.	Orpy E. Oldham.	H. R. 2863.	Maggie Stookesberry.	H. R. 3294.	Amanda L. Larabee.
H. R. 2264.	Lillian Swainston.	H. R. 2636.	Lella J. Moore.	H. R. 2864.	Lydia Smith.	H. R. 3297.	Hattie M. Pay.
H. R. 2265.	Anna Sullivan.	H. R. 2637.	Carrie J. McClure.	H. R. 2869.	Mary Nicholson.	H. R. 3298.	Anna E. Stucker.
H. R. 2266.	Clara Stalker.	H. R. 2639.	Lucy A. Johnson.	H. R. 2871.	Susan A. Morgan.	H. R. 3300.	Nancy E. Smith.
H. R. 2268.	Edith Richardson.	H. R. 2641.	Maggie Keylon.	H. R. 2875.	Sarah J. Kelley.	H. R. 3301.	Ida S. Beauchamp.
H. R. 2269.	Madge Quinlan.	H. R. 2642.	Hannah C. Lindley.	H. R. 2891.	Frances E. Bolan.	H. R. 3302.	Sarah E. Branson.
H. R. 2271.	Fannie C. Nauman.	H. R. 2643.	Lacey Ladd.	H. R. 2892.	Catherine M. Brown.	H. R. 3303.	Ritty A. Davis.
H. R. 2273.	Ella Mix.	H. R. 2645.	Hannah E. Bennett.	H. R. 2893.	Nellie L. Burns.	H. R. 3305.	Lumira Decker.
H. R. 2275.	Emma Lezotte.	H. R. 2674.	Berlintha Hancock.	H. R. 2895.	Carrie E. Colcord.	H. R. 3306.	Margaret J. Greek.
H. R. 2276.	Almina Letts.	H. R. 2681.	Mollie M. Struble.	H. R. 2897.	Delia J. Dearborn.	H. R. 3307.	Mary E. Grotts.
H. R. 2280.	Mary P. E. Hale.	H. R. 2682.	Mary C. Rupert.	H. R. 2898.	Augusta M. Dolloff.	H. R. 3308.	Emma A. Gustin.
H. R. 2281.	Delilah Ballard.	H. R. 2683.	Fanny T. Tate.	H. R. 2902.	Mary A. Flye.	H. R. 3309.	Mary C. Owens.
H. R. 2282.	Mary J. Barclay.	H. R. 2684.	Mary E. Miller.	H. R. 2903.	Lucy R. Hall.	H. R. 3310.	Abbelline Mathis.
H. R. 2283.	Agnes Rundel.	H. R. 2686.	Mary Moore.	H. R. 2904.	Alice M. Hassell.	H. R. 3311.	Louisa J. Skidmore.
H. R. 2285.	Josephine Bushey.	H. R. 2687.	Adaline F. Hoff.	H. R. 2905.	Florence M. Jewell.	H. R. 3313.	Sarah A. Stiles.
H. R. 2289.	Nancy E. Davis.	H. R. 2690.	Sarah R. Weimer.	H. R. 2906.	Hannah M. Juddins.	H. R. 3314.	Mary E. Wey.
H. R. 2291.	Emma J. Fitz.	H. R. 2691.	Isabella Burkhardt.	H. R. 2907.	Annie F. Kirkwood.	H. R. 3317.	Prudence M. Grover.
H. R. 2292.	Hannah Francisco.	H. R. 2693.	Sarah L. Rodkey.	H. R. 2908.	Emma J. Lent.	H. R. 3319.	Emma M. Hescok.
H. R. 2293.	Ernestene Friebe.	H. R. 2694.	Catharine Grafius.	H. R. 2909.	Jennie E. Litchfield.	H. R. 3320.	Sarah Simpson.
H. R. 2297.	Mary A. Chandler.	H. R. 2696.	Mary E. Dell.	H. R. 2910.	Lizzie Meader.	H. R. 3322.	Nora I. Phelps.
H. R. 2302.	Elizabeth J. Fry.	H. R. 2697.	Mary A. Smith.	H. R. 2911.	Harriet M. Moore.	H. R. 3323.	Harriet A. Pratt.
H. R. 2306.	Hester A. Lynes.	H. R. 2698.	Julia Diefenbacher.	H. R. 2912.	Lottie L. Noble.	H. R. 3325.	Florence R. Shufelt.
H. R. 2308.	Nianna M. Ruckel.	H. R. 2699.	Hannah Eckard.	H. R. 2913.	Emma G. Morse.	H. R. 3329.	Julia Roberts.
H. R. 2309.	Rebecca Patterson.	H. R. 2700.	Sarah Slick.	H. R. 2917.	Alice M. Spaulding.	H. R. 3330.	Henrietta V. Dale.
H. R. 2315.	Jennie E. Alynn.	H. R. 2702.	Rachel E. Heuston.	H. R. 2918.	Rose A. Stacy.	H. R. 3332.	Jennie E. White.
H. R. 2317.	Orinda Carson.	H. R. 2703.	Mary F. Nicholson.	H. R. 2919.	Emma P. Stephenson.	H. R. 3333.	Ellen H. Gile.
H. R. 2320.	Emma A. Briles.	H. R. 2704.	Rebecca Crofts.	H. R. 2922.	Harriet J. Sturdy.	H. R. 3334.	Eliza A. Sprague.
H. R. 2322.	Malinda Johnson.	H. R. 2705.	Susan Nevitt.	H. R. 2923.	Annette B. Thorne.	H. R. 3335.	Gertrude G. Hunt.
H. R. 2341.	Sarah M. Berkheimer.	H. R. 2706.	Clara A. Smyers.	H. R. 2924.	Celina Wedge.	H. R. 3337.	Juliette Sturges.
H. R. 2343.	Nancy Jane Baker.	H. R. 2707.	Malinda Vallance.	H. R. 2925.	Mary L. Whitcomb.	H. R. 3345.	Elizabeth M. Fox.
H. R. 2346.	Maria L. Long.	H. R. 2709.	Sarah Baird.	H. R. 2926.	Alice M. Whitten.	H. R. 3346.	Ann Stevens.
H. R. 2353.	Caroline Leff.	H. R. 2710.	Eliza J. Lower.	H. R. 2928.	Flora Williams.	H. R. 3349.	Flora I. Eggleston.
H. R. 2354.	Lydia A. Swope.	H. R. 2711.	Alice Kiser.	H. R. 2930.	Louise M. Wood.	H. R. 3350.	Myra Marshall.
H. R. 2362.	Barbara F. Funk.	H. R. 2714.	Elizabeth Blackstone.	H. R. 2942.	Sarah C. Warthen.	H. R. 3371.	Susan M. Lysinger.
H. R. 2363.	Amelia A. Halston.	H. R. 2715.	Anna M. Burchfield.	H. R. 2952.	Mary F. Osmun.	H. R. 3385.	Martha E. Devore.
H. R. 2364.	Anna E. Humphrey.	H. R. 2716.	Mary Cameron.	H. R. 2963.	Elvina C. Eberhard.	H. R. 3386.	Anna E. Clark.
H. R. 2365.	Sarah E. Johnston.	H. R. 2717.	Catharine S. Lloyd.	H. R. 2969.	Hannah Sutton.	H. R. 3407.	Sarah A. Gill.
H. R. 2366.	Laura M. Kendig.	H. R. 2718.	Fannie S. Gibboney.	H. R. 2970.	Sarah M. York.	H. R. 3410.	Margarite Scholand.
H. R. 2368.	Annie Longabaugh.	H. R. 2719.	Mary E. Gifford.	H. R. 2975.	Elizabeth Inman.	H. R. 3412.	Frances E. Whisker.
H. R. 2371.	Nancy Rohrbach.	H. R. 2721.	Emma Akers.	H. R. 2978.	Emeliza Barnhill.	H. R. 3414.	Matilda A. Eccles.
H. R. 2373.	Lucia Seibert.	H. R. 2723.	Sarah Over.	H. R. 2979.	Mary A. Bartley.	H. R. 3415.	Martha Witman.
H. R. 2377.	Amelia B. Glendenning.	H. R. 2724.	Mary C. Ellenberger.	H. R. 2980.	Rachel Belcher.	H. R. 3427.	Catharine T. M. Bachman.
H. R. 2387.	Eliza Gahrett.	H. R. 2725.	Martha Palmer.	H. R. 2982.	Elizabeth Burket.	H. R. 3437.	Martha Spraker.
H. R. 2418.	Aravina M. Koons.	H. R. 2726.	Laura Painter.	H. R. 2983.	Celia J. Cromer.	H. R. 3438.	Mary A. Houghton.
H. R. 2419.	Sallie Chester.	H. R. 2727.	Juniata E. S. Pollard.	H. R. 2993.	Rebecca J. Richmond.	H. R. 3448.	Rachel A. Shatto.
H. R. 2443.	Carrie H. Slingerland.	H. R. 2728.	Sarah E. Moon.	H. R. 3003.	Margaret J. Davis.	H. R. 3450.	Mary E. Graham.
H. R. 2444.	Ellen Van Kleeck.	H. R. 2730.	Jennie E. Mosser.	H. R. 3004.	Rebecca Peace.	H. R. 3468.	Kate V. Scheyer.
H. R. 2446.	Hannah S. Smith.	H. R. 2731.	Elizabeth A. Lytle.	H. R. 3005.	Mary A. Reeder.	H. R. 3469.	Alice Stebbins.
H. R. 2448.	Cornelia B. Bacon.	H. R. 2732.	Annie M. Miller.	H. R. 3012.	Sarah E. Hargrave.	H. R. 3474.	Sarah Harris.
H. R. 2449.	Mary A. White.	H. R. 2733.	Martha E. Corbin.	H. R. 3016.	Sarah M. Mead.	H. R. 3477.	Mary A. Hoffman.
H. R. 2450.	Ella Mandigo.	H. R. 2734.	Harriet E. Hunt.	H. R. 3017.	Elizabeth Morrow.	H. R. 3478.	Mary McCurdy.
H. R. 2452.	Mary Kearsing.	H. R. 2735.	Sarah R. White.	H. R. 3018.	Susan M. Burton.	H. R. 3479.	Caroline Roth.
H. R. 2454.	Elizabeth Kissell.	H. R. 2737.	Agnes A. C. Mahoney.	H. R. 3019.	Mary J. Cochran.	H. R. 3483.	Susan B. Chapman.
H. R. 2455.	Mary J. Powley.	H. R. 2738.	Anna Maria Stephens.	H. R. 3020.	Sarah J. Pool.	H. R. 3485.	Laura A. Chapman.
H. R. 2458.	Phebe J. Hammond.	H. R. 2739.	Anna M. Ross.	H. R. 3022.	Martha L. Petet.	H. R. 3486.	Rebecca B. Lewis.
H. R. 2460.	Julia Baker.	H. R. 2740.	Annie E. Harrison.	H. R. 3023.	Nancy V. Taylor.	H. R. 3489.	Achsah E. Purinton.
H. R. 2461.	Sarah A. Burt.	H. R. 2741.	Mary W. Sarvis.	H. R. 3024.	Victoria E. Jacox.	H. R. 3490.	Lucy E. Reynolds.
H. R. 2464.	Eliza Parke.	H. R. 2743.	Emma Hill.	H. R. 3025.	Susan A. Hays.	H. R. 3491.	Jennie M. Moore.
H. R. 2465.	Fannie Mainster.	H. R. 2744.	Amanda J. Harvey.	H. R. 3028.	Matilda J. Kellar.	H. R. 3492.	Hattie G. Lunt.
H. R. 2466.	Catherine Felly.	H. R. 2745.	Lillie D. Hartley.	H. R. 3053.	Frances E. Harris.	H. R. 3493.	Eva Stump.
H. R. 2467.	Martha Ball.	H. R. 2746.	Annie M. Lucas.	H. R. 3054.	Mary McKendree.	H. R. 3504.	Eliza F. Mankins.
H. R. 2468.	Elsie C. Nichols.	H. R. 2747.	Ann E. Kissinger.	H. R. 3055.	Margaret T. McLaughlin.	H. R. 3520.	Iona L. Clark.
H. R. 2469.	Mary S. Watt.	H. R. 2748.	Mary C. Swisher.	H. R. 3056.	Lydia E. Martin.	H. R. 3523.	Hattie Zeiler.
H. R. 2502.	Hester E. Judd.	H. R. 2750.	Susannah Horton.	H. R. 3057.	Adaline Neff.	H. R. 3529.	Mary E. Hall.
H. R. 2503.	Joanna C. Palmer.	H. R. 2751.	Hannah B. Irwin.	H. R. 3058.	Catharine Pollock.	H. R. 3571.	Mollie S. Henderson.
H. R. 2504.	Mary Coggeshall.	H. R. 2752.	Mary C. Sparks.	H. R. 3060.	Isabella Speedy.	H. R. 3572.	Dorothea Leimenson.
H. R. 2505.	Mary McGrath.	H. R. 2753.	Helen McCord.	H. R. 3061.	Jennie E. Truitt.	H. R. 3573.	Martha M. Medcalf.
H. R. 2506.	Levicy Sidner.	H. R. 2755.	Annah E. Hains.	H. R. 3076.	Sarah L. Basore.	H. R. 3574.	Catharine Williams.
H. R. 2507.	Ellen Wornum.	H. R. 2757.	Susan Hamilton.	H. R. 3077.	Susan E. A. De Witt.	H. R. 3575.	Mary E. Ray.
H. R. 2510.	Phebe J. Bell.	H. R. 2758.	Lucinda Hainley.	H. R. 3078.	Clara Elizabeth LeForge.	H. R. 3576.	Isabell Critser.
H. R. 2512.	Martha S. Allison.	H. R. 2759.	Mary List.	H. R. 3079.	Mary E. Williams.	H. R. 3577.	Sarah J. Williams.
H. R. 2513.	Ann E. Bickett.	H. R. 2760.	Martha J. Burkett.			H. R. 3579.	Florence P. Johnson.
H. R. 2515.	Amanda M. Litchfield.	H. R. 2761.	Susannah M. Lynn.			H. R. 3580.	Katharine Beiling.

- H. R. 3581. Celina J. Smith.  
 H. R. 3582. Mary S. Houghland.  
 H. R. 3583. Sarah E. Weigert.  
 H. R. 3585. Kate Lamb.  
 H. R. 3586. Anna Taylor.  
 H. R. 3589. Sarah Battle.  
 H. R. 3590. Sarah C. West.  
 H. R. 3593. Emma Parcell.  
 H. R. 3594. Julia Pfeifer.  
 H. R. 3595. Margaret J. Romans.  
 H. R. 3596. Barbara Roesner.  
 H. R. 3597. Eliza Richeson.  
 H. R. 3598. Anna E. Snyder.  
 H. R. 3599. Clara L. Snyder.  
 H. R. 3600. Clara E. Stevens.  
 H. R. 3601. Matilda A. Stevens.  
 H. R. 3602. Maggie Stanton.  
 H. R. 3604. Nancy A. Stephens.  
 H. R. 3606. Mary Skaggs.  
 H. R. 3607. Mary E. Thompson.  
 H. R. 3611. Christiana Tichenor.  
 H. R. 3612. Victoria Utley.  
 H. R. 3613. Nancy Ulen.  
 H. R. 3616. Parazetta Wilcox.  
 H. R. 3618. Lorinda Wester.  
 H. R. 3620. Isabel Williams.  
 H. R. 3622. Cordella Niehaus.  
 H. R. 3623. Eliza J. Mathews.  
 H. R. 3625. Marla M. Mann.  
 H. R. 3627. Frances J. Moore.  
 H. R. 3628. Anna M. Kretchmar.  
 H. R. 3629. Katharina Korp.  
 H. R. 3630. Theodocia Kell.  
 H. R. 3631. Izella E. Kemp.  
 H. R. 3632. Mary A. Jackson.  
 H. R. 3633. Emer Jenkins.  
 H. R. 3635. Nancy A. Henrich.  
 H. R. 3637. Caroline Heldt.  
 H. R. 3640. Lelia Haines.  
 H. R. 3641. Nancy E. Hebb.  
 H. R. 3642. Maria Hille.  
 H. R. 3645. Anna E. Greenlees.  
 H. R. 3646. Virginia Gordon.  
 H. R. 3647. Eliza A. Griffin.  
 H. R. 3649. Mary E. Fleming.  
 H. R. 3651. Sallie Everly.  
 H. R. 3653. America A. Donaldson.  
 H. R. 3657. Alice Bishop.  
 H. R. 3658. Minnie Behagg.  
 H. R. 3660. Euphemia Beasley.  
 H. R. 3662. Mary E. Anderson.  
 H. R. 3663. Margaret E. Bates.  
 H. R. 3666. Kate Zehler.  
 H. R. 3669. Cinda A. Ruggles.  
 H. R. 3700. Maud Slesley Boyd.  
 H. R. 3702. Julia Hackney.  
 H. R. 3703. Carrie Hosack.  
 H. R. 3706. Florence C. Moor.  
 H. R. 3708. Agnes A. Perry.  
 H. R. 3711. Dorothea C. Wicke.  
 H. R. 3713. Sarah E. Scott.  
 H. R. 3715. Ernestine Roberts.  
 H. R. 3734. Catherine M. Smith.  
 H. R. 3735. Mary J. Sheets.  
 H. R. 3736. Margaret Vanvierah.  
 H. R. 3747. Henrietta Cope.  
 H. R. 3748. Jennie Roark.  
 H. R. 3752. Mary C. Campbell.  
 H. R. 3754. Mamie Halley.  
 H. R. 3766. Julianna Bouchard.  
 H. R. 3768. Jennie A. Clifford.  
 H. R. 3769. Hannah M. Baker.  
 H. R. 3771. Jennie Barclay.  
 H. R. 3772. Mary J. Beamer.  
 H. R. 3780. Lily Atcheson.  
 H. R. 3785. Clara Ziegler.  
 H. R. 3791. Eliza Tillery.  
 H. R. 3796. Maria E. Sager.  
 H. R. 3801. Isabel A. Story.  
 H. R. 3805. Rebecca Jane Shaner.  
 H. R. 3807. Euphemia J. Smith.  
 H. R. 3809. Gertrude Schachte.  
 H. R. 3810. Margaret R. Rorabaugh.  
 H. R. 3812. Mary Jane Ressler.  
 H. R. 3817. Mary G. Neighly.  
 H. R. 3818. Rachel R. Mitchell.  
 H. R. 3820. Sarah J. Mock.  
 H. R. 3822. Eliza R. McCauley.  
 H. R. 3823. Mary F. McNelly.  
 H. R. 3824. Mary C. McElwee.  
 H. R. 3825. Caroline Lutz.  
 H. R. 3828. Mary Leffler.  
 H. R. 3832. Rebecca Hill.  
 H. R. 3835. Rachel E. Henry.  
 H. R. 3836. Clarissa Good.  
 H. R. 3838. Annie Glunt.  
 H. R. 3841. Mary L. Deemer.  
 H. R. 3842. Jane Rannebarger.  
 H. R. 3843. Matilda Archer.  
 H. R. 3845. Susan J. Howard.  
 H. R. 3846. Mary J. Biles.  
 H. R. 3847. America Pilchard.  
 H. R. 3849. Mary E. Thompson.  
 H. R. 3851. Elvira J. Bartley.  
 H. R. 3853. Harriet C. Bruce.  
 H. R. 3855. Sarah A. Dinnel.  
 H. R. 3856. Susan F. Collensworth.  
 H. R. 3857. Jane Timmons.  
 H. R. 3858. Lucinda Foerster.  
 H. R. 3860. Mary J. Goodwin.  
 H. R. 3861. Nancy J. Hardwick.  
 H. R. 3863. Eliza A. Mills.  
 H. R. 3864. Dora Martin.  
 H. R. 3881. Margaret York.  
 H. R. 3885. Chanice A. Dailey.  
 H. R. 3889. Cecelia E. Hanes.  
 H. R. 3902. Rosellia Norton.  
 H. R. 3905. Marilda A. Watson.  
 H. R. 3906. Catherine Gilkesson.  
 H. R. 3908. Anna Lowe.  
 H. R. 3909. Daphne R. Irvine.  
 H. R. 3916. Celicia E. Feaga.  
 H. R. 3917. Mary J. Grimes.  
 H. R. 3919. Florence V. Gates.  
 H. R. 3930. Ida M. Spencer.  
 H. R. 3935. Virginia D. Combs.  
 H. R. 3957. Theresa S. Doane.  
 H. R. 3977. Elizabeth F. Groht.  
 H. R. 3978. Harriette Celler.  
 H. R. 3997. Jennie B. McPherson.  
 H. R. 4017. Agnes R. Goodnow.  
 H. R. 4018. Julia Horner.  
 H. R. 4020. Annie W. Jarvis.  
 H. R. 4021. Elizabeth Jameson.  
 H. R. 4022. Hattie A. B. Clary.  
 H. R. 4026. Aurelia Gauthier.  
 H. R. 4033. Helen M. Noble.  
 H. R. 4034. Mary K. Slocum.  
 H. R. 4037. N. Emeline Harrison.  
 H. R. 4038. Amanda W. Kegwin.  
 H. R. 4039. Mary C. Bishop.  
 H. R. 4040. Caroline Williams.  
 H. R. 4041. Mary A. Brayton.  
 H. R. 4042. Elizabeth W. Perkins.  
 H. R. 4043. Josephine Baton.  
 H. R. 4050. Josephine C. Bishop.  
 H. R. 4056. Alice Bosworth.  
 H. R. 4059. Emma G. Walker.  
 H. R. 4063. Alfaretta S. Quimby.  
 H. R. 4071. Loretto Roland.  
 H. R. 4072. Rose Humphreys.  
 H. R. 4073. Margaret H. Suydam.  
 H. R. 4133. Hannah E. Pemberton.  
 H. R. 4145. Annie Vandegrift.  
 H. R. 4148. Charlotte Samson.  
 H. R. 4154. Mary Ellen Jones.  
 H. R. 4155. Amy Ann Wilcox.  
 H. R. 4162. Clarissa Markham.  
 H. R. 4190. Meda Ann Andrews.  
 H. R. 4191. Mary E. Williams.  
 H. R. 4192. Olive H. Woods.  
 H. R. 4194. Mary E. De Groat.  
 H. R. 4195. Mary M. Tappana.  
 H. R. 4208. Ina Rathbun.  
 H. R. 4220. Julia A. Frazier.  
 H. R. 4227. Mary E. Dailey.  
 H. R. 4230. Sarah E. Huffine.  
 H. R. 4238. Mary Jones.  
 H. R. 4239. Eliza A. Freeman.  
 H. R. 4242. Mary J. Ramsdell.  
 H. R. 4248. Lydia Breard.  
 H. R. 4249. Charlotte Underwood.  
 H. R. 4251. Vianna R. Densmore.  
 H. R. 4252. Ellen M. Winn.  
 H. R. 4253. Ellen M. Burt.  
 H. R. 4254. Harriet L. Mero.  
 H. R. 4255. Abbie J. Phelps.  
 H. R. 4259. Mary E. Smith.  
 H. R. 4272. Mina Rinck.  
 H. R. 4273. Hannah Alstrum.  
 H. R. 4274. Sarah Weldie.  
 H. R. 4275. Martha E. Rolff.  
 H. R. 4276. Laura H. Day.  
 H. R. 4277. Mary E. Robinson.  
 H. R. 4278. Mary E. Condray.  
 H. R. 4279. Ollie E. Carnaghan.  
 H. R. 4282. Elizabeth Walton.  
 H. R. 4283. Esther J. Smith.  
 H. R. 4287. Emma M. Richards.  
 H. R. 4288. Sarah Hannon.  
 H. R. 4289. Bridget C. McGinn.  
 H. R. 4291. Fiana Snyder.  
 H. R. 4297. Elizabeth M. Snodgrass.  
 H. R. 4301. Julia A. McCluskey.  
 H. R. 4304. Nettie A. Packard.  
 H. R. 4306. Mary E. Tucker.  
 H. R. 4309. Mary J. Curtin.  
 H. R. 4318. Mary J. Cupp.  
 H. R. 4319. Margaret Hursey.  
 H. R. 4320. Mira O. McFarland.  
 H. R. 4321. Mary E. Rowe.  
 H. R. 4322. Abia McIntosh.  
 H. R. 4323. Frances C. Gaskill.  
 H. R. 4324. Sedona Beezley.  
 H. R. 4326. Elizabeth J. Graham.  
 H. R. 4329. Charlotte E. Fitch.  
 H. R. 4331. Maria A. Sanders.  
 H. R. 4337. Alzira Smithers.  
 H. R. 4339. Sarah Williams.  
 H. R. 4341. Nancy Ridgway.  
 H. R. 4343. Marsolote Caskey.  
 H. R. 4345. Minerva J. Triplett.  
 H. R. 4370. Elizabeth Saunders.  
 H. R. 4371. Mary Jane Fasmer.  
 H. R. 4372. Anna W. Hawk.  
 H. R. 4375. Annie C. Brown.  
 H. R. 4386. Jennie Charlton.  
 H. R. 4401. Sarah J. Baker.  
 H. R. 4402. Mary E. Nighswander.  
 H. R. 4403. Harriet A. Decker.  
 H. R. 4409. Eliza A. Haywood.  
 H. R. 4424. Tillie C. Wood.  
 H. R. 4425. Mary L. Bennett.  
 H. R. 4426. Exie L. Stebbins.  
 H. R. 4427. Alice G. Lewis.  
 H. R. 4428. Adelia L. Brown.  
 H. R. 4429. Mary J. Anderson.  
 H. R. 4430. Mary Johnson.  
 H. R. 4431. Eliza G. Carr.  
 H. R. 4436. Anna M. Healy.  
 H. R. 4442. Margaret Ludwig.  
 H. R. 4443. Clara M. Kerr.  
 H. R. 4455. Ellen Kolb.  
 H. R. 4456. Kate W. McIntyre.  
 H. R. 4457. Mary McGuire.  
 H. R. 4459. Annora J. Noble.  
 H. R. 4460. Mary E. O'Daniels.  
 H. R. 4461. Elizabeth B. Little.  
 H. R. 4462. Mary E. McDavitt.  
 H. R. 4463. Margaret J. Cheeseman.  
 H. R. 4464. Virginia Stackhouse.  
 H. R. 4465. Mary M. Van Ness.  
 H. R. 4466. Antha Porter.  
 H. R. 4467. Julia O'Neil.  
 H. R. 4468. Annie Fox.  
 H. R. 4473. Hannah E. Haines.  
 H. R. 4474. Deborah Gaskill.  
 H. R. 4475. Ann Eliza Danberry.  
 H. R. 4476. Mary Abbott.  
 H. R. 4479. Mary M. Knowles.  
 H. R. 4480. Elizabeth Nutt.  
 H. R. 4481. Alice T. Cantwell.  
 H. R. 4482. Sarah Henry.  
 H. R. 4494. Caroline N. Starr.  
 H. R. 4495. Mary E. Carlow.  
 H. R. 4502. Minerva R. Peck.  
 H. R. 4505. Anna L. Millard.  
 H. R. 4506. Antoinette A. Ripley.  
 H. R. 4507. Theresa A. Charter.  
 H. R. 4508. Mary P. Smith.  
 H. R. 4510. Susan Nevins.  
 H. R. 4511. Mary Jeanette Stillman.  
 H. R. 4512. Nettie P. Slate.  
 H. R. 4515. Hannah M. Barlow.  
 H. R. 4521. Sarah M. McKain.  
 H. R. 4530. Susan A. Lautzenheiser.  
 H. R. 4534. Mary Flynn.  
 H. R. 4547. Vinnie Horn.  
 H. R. 4548. Margaret J. Sickman.  
 H. R. 4550. Mary E. Fisher.  
 H. R. 4557. Clara I. Mullen.  
 H. R. 4596. Eva A. Drury.  
 H. R. 4597. Laura H. Marshall.  
 H. R. 4628. Sarah J. Earl.  
 H. R. 4630. Lavinia Engler.  
 H. R. 4632. Mary L. Beardsley.  
 H. R. 4633. Francis M. Cook.  
 H. R. 4636. Margaret A. Hewitt.  
 H. R. 4639. Caroline E. Wright.  
 H. R. 4643. Rebecca A. Thomas.  
 H. R. 4646. Mary J. Bunker.  
 H. R. 4647. Jennie L. Ryon.  
 H. R. 4674. Mattie N. Wood.  
 H. R. 4676. Sarah A. Peterson.  
 H. R. 4678. Rosa B. Sloop.  
 H. R. 4690. Martha Magie.  
 H. R. 4695. Elizabeth Spear.  
 H. R. 4710. Rachel States.  
 H. R. 4716. Augusta Northcutt.  
 H. R. 4717. Maggie Morris.  
 H. R. 4718. Maud Hanna.  
 H. R. 4719. Elizabeth Wycuff.  
 H. R. 4720. Emma L. Bragg.  
 H. R. 4724. Amanda J. Worrell.  
 H. R. 4725. Elizabeth Walters.  
 H. R. 4728. Martha Witt.  
 H. R. 4730. Mary B. Peterson.  
 H. R. 4731. Effie Washington.  
 H. R. 4733. Caroline L. Winter.  
 H. R. 4736. Carrie A. Mendenhall.  
 H. R. 4737. Nancy Jane Snodgrass.  
 H. R. 4741. Lena Saxton.  
 H. R. 4742. Mary Jane Ream.  
 H. R. 4743. Sciota Barry.  
 H. R. 4744. Mary E. Beckley.  
 H. R. 4752. Sue E. Doner.  
 H. R. 4755. Elizabeth M. Patton.  
 H. R. 4756. Margaret A. Hargrave.  
 H. R. 4757. Emma L. Thomson.  
 H. R. 4760. Anna E. Dixon.  
 H. R. 4780. Harriet S. Johnson.  
 H. R. 4792. Annie Bricker.  
 H. R. 4793. Almira M. Taylor.  
 H. R. 4794. Sarah E. Butler.  
 H. R. 4801. Annie Warren.  
 H. R. 4803. Ella Hardin.  
 H. R. 4804. Susan J. Swigert.  
 H. R. 4829. Janie R. Stewart.  
 H. R. 4842. Martha Jane Sutton.  
 H. R. 4850. Annie L. Converse.  
 H. R. 4857. Elizabeth Martin.  
 H. R. 4862. M. Jennie Hull.  
 H. R. 4903. Mary Rogier.  
 H. R. 4905. Alice Eckert.  
 H. R. 4906. Elvira Louisa Kanady.  
 H. R. 4907. Mary A. Bottorff.  
 H. R. 4908. Julia E. Leming.  
 H. R. 4910. Sarah M. Clegg.  
 H. R. 4911. Nancy E. Wyant.  
 H. R. 4912. Caroline Batch.  
 H. R. 4913. Susan Waller.  
 H. R. 4914. Sarah E. Reck.  
 H. R. 4915. Sarah J. Adkins.  
 H. R. 4932. Maria J. Barnard.  
 H. R. 4933. Eva M. Cook.  
 H. R. 4936. Phebe W. Perry.  
 H. R. 4937. Emily Reansoleil.  
 H. R. 4938. Mary A. C. Vanderhoop.  
 H. R. 4968. Adaline Ratlinggourd.  
 H. R. 4969. Arrena M. Garner.  
 H. R. 4971. Nancy A. Barnett.  
 H. R. 4975. Jennie Paniska.  
 H. R. 4977. Antonette J. Pethick.  
 H. R. 4978. Alice J. Benjamin.  
 H. R. 4979. Annie Wirick.  
 H. R. 4980. Margaret A. Chase.  
 H. R. 4981. Mary Cauningham.  
 H. R. 4982. Abigail Case.  
 H. R. 4983. Eliza A. Moore.  
 H. R. 4984. Ellen Henderson.  
 H. R. 4985. Sophia C. Hickok.  
 H. R. 4987. Jorgine Nielson.  
 H. R. 4992. Gorgonia Gaskew.  
 H. R. 5023. Mary A. McCune Brown.  
 H. R. 5024. Marge M. Bear.  
 H. R. 5025. Minnie A. Bennett.  
 H. R. 5026. Mary A. Eyester.  
 H. R. 5027. Luana Hoff.  
 H. R. 5030. Ella I. Rodermel.  
 H. R. 5043. Evaline Carpenter.  
 H. R. 5044. Anna B. Barrett.  
 H. R. 5045. Mary M. Brower.  
 H. R. 5046. Martha Rose.  
 H. R. 5047. Celia Sroufe.  
 H. R. 5048. Laura R. Markley.  
 H. R. 5063. Mary E. Berry.  
 H. R. 5069. Sarah L. Herrmann.  
 H. R. 5095. Catharine Tarbert.  
 H. R. 5096. Elizabeth Taylor.  
 H. R. 5098. Mary E. Taylor.  
 H. R. 5100. Anna M. Schlund.  
 H. R. 5102. Tillie Shift.  
 H. R. 5103. Christine Snyder.  
 H. R. 5106. Catharine B. Swartz.  
 H. R. 5107. Catharine A. Smith.  
 H. R. 5108. Catharine Snayser.  
 H. R. 5109. Eliza J. Strassbaugh.  
 H. R. 5110. Annie E. Steinhour.  
 H. R. 5112. Lucy E. Rockwell.  
 H. R. 5114. Emma A. Raffensperger.  
 H. R. 5115. Amanda Rickroad.  
 H. R. 5116. Caroline Robinson.  
 H. R. 5118. Millie C. Plowman.  
 H. R. 5119. Rebecca Poff.  
 H. R. 5120. Emma J. Poleman.  
 H. R. 5121. Emma Noel.  
 H. R. 5123. Mercy K. Monroe.  
 H. R. 5125. Margaret N. McAllister.  
 H. R. 5127. Mary J. Markley.  
 H. R. 5129. Emeline Malchorn.  
 H. R. 5130. Isabella Lauck.  
 H. R. 5131. Josephine Lapham.  
 H. R. 5132. Anne E. Liggit.  
 H. R. 5133. Amanda E. King.  
 H. R. 5134. Elizabeth Kramer.  
 H. R. 5136. Saranda J. Ilgenfritz.  
 H. R. 5137. Sarah C. Hikes.  
 H. R. 5138. Mary Gardner.  
 H. R. 5139. Adaline R. Elcock.  
 H. R. 5141. Eliza J. Drawbaugh.  
 H. R. 5142. Catherine D. Davis.  
 H. R. 5143. Mary Dorsey.  
 H. R. 5144. Rebecca Henry.  
 H. R. 5146. Sarah C. Henze.  
 H. R. 5147. Sarah J. Hartman.  
 H. R. 5148. Susan Horting.  
 H. R. 5149. Maggie A. Hughes.  
 H. R. 5151. Mary J. Har.  
 H. R. 5153. Laura V. Eicholtz.  
 H. R. 5154. M. Lizzie Everhart.  
 H. R. 5156. Agnes M. Dinsmore.  
 H. R. 5158. Anna M. Dellinger.  
 H. R. 5159. Genevieve Foreman.  
 H. R. 5160. Sarah Hartman.  
 H. R. 5161. Emma Wilhelm.  
 H. R. 5163. Mary C. Smith.  
 H. R. 5165. Annie M. Campbell.  
 H. R. 5166. Emily E. Cassell.  
 H. R. 5167. Ann Jane Burton.  
 H. R. 5169. Sarah M. Basey.  
 H. R. 5170. Martha E. Biesacker.  
 H. R. 5171. Catharine Baughman.  
 H. R. 5172. Susy A. Anderson.  
 H. R. 5174. Annie Hoover.  
 H. R. 5175. Sarah M. Harbolt.  
 H. R. 5177. Catharine Fry.  
 H. R. 5178. Anna M. Bailey.  
 H. R. 5179. Margaret M. Burger.  
 H. R. 5180. Margaret E. Black.  
 H. R. 5181. Mary E. Dasher.  
 H. R. 5183. Maria A. Beitzel.  
 H. R. 5184. Emma Chenoweth.  
 H. R. 5185. Margaret Rebel.  
 H. R. 5186. Sarah A. Clingan.  
 H. R. 5187. Sarah A. Douse.  
 H. R. 5189. Mary J. Hake.  
 H. R. 5192. Maggie Sponsler.  
 H. R. 5193. Mary Shewell.  
 H. R. 5194. Ellen A. McCleary.  
 H. R. 5195. Margaret Knudsen.  
 H. R. 5197. Alice Stevens.  
 H. R. 5198. Mary L. Olmstead.  
 H. R. 5208. Ann Browning.  
 H. R. 5209. Clara M. Prentice.  
 H. R. 5212. Maggie E. Wake.  
 H. R. 5239. Eliza Brake.  
 H. R. 5241. Margaret A. Clark.  
 H. R. 5243. Tabitha E. Van Winkle.  
 H. R. 5244. Martha A. Regenhardt.  
 H. R. 5245. Ella J. Good.  
 H. R. 5246. Kate E. Putnam.  
 H. R. 5247. Martha P. Simpson.



H. R. 5251. Clara L. Biddleman.	H. R. 6295. Emma A. Larue.	H. R. 7133. Sarah Hayes.	H. R. 7653. Alice Bates.
H. R. 5254. Julia E. Wilson.	H. R. 6298. Curney G. Hill.	H. R. 7135. Leah J. Curtis.	H. R. 7655. Carrie A. Bailey.
H. R. 5259. Mary M. Mason.	H. R. 6302. Alice Gormley.	H. R. 7136. Anna M. Kromer.	H. R. 7656. Eliza M. Bagley.
H. R. 5260. Alvirra Hill.	H. R. 6303. Catherine Doupp.	H. R. 7144. Emily L. Salkeld.	H. R. 7657. Celestia A. Antes.
H. R. 5276. Eliza B. Miller.	H. R. 6305. Emma Davis.	H. R. 7145. Hester Pollard.	H. R. 7660. Maria E. Blossom.
H. R. 5278. Mary C. Smith.	H. R. 6306. Mary A. Dailey.	H. R. 7146. Lucy Schoonmaker.	H. R. 7661. Mary A. Ackley.
H. R. 5279. Mary C. Pierce.	H. R. 6308. Jerusha H. Chase.	H. R. 7147. Fidelin Breccette.	H. R. 7662. Cora E. Stuart.
H. R. 5281. Frances J. Nettleship.	H. R. 6309. Margaret Belt.	H. R. 7154. Hermina A. Sturm.	H. R. 7665. Catherine B. Wilson.
H. R. 5282. Laura F. Carter.	H. R. 6314. Emma M. Alexander.	H. R. 7164. Marjetta A. Good-enough.	H. R. 7666. Susan A. Ray.
H. R. 5302. Mahala Pugh.	H. R. 6316. Mary E. Wright.	H. R. 7165. Sophia A. Brassfield.	H. R. 7668. Anna L. Richardson.
H. R. 5332. Ida M. Bull.	H. R. 6319. Mary J. Williams.	H. R. 7237. Cynthia B. Lackey.	H. R. 7669. Margaret Sanford.
H. R. 5334. Eva M. Tobin.	H. R. 6324. Jennie Stephens.	H. R. 7252. Laura Jones.	H. R. 7670. Harriet A. Sarlis.
H. R. 5349. Emma Byers.	H. R. 6325. Sophia Slick.	H. R. 7263. Jennie Guy.	H. R. 7672. Eliza A. Shepard.
H. R. 5350. Ellen C. Fuller.	H. R. 6328. Sarah E. Robinson.	H. R. 7264. Charlotte Edick.	H. R. 7677. Mary Strong.
H. R. 5351. Maria Jane Garrett.	H. R. 6333. Anna Adella Butler.	H. R. 7270. Caroline Satter.	H. R. 7678. Emma J. Swartwood.
H. R. 5352. Mary E. Howell.	H. R. 6335. Mary Hiller.	H. R. 7273. Lois Cramton.	H. R. 7679. Julia E. Taylor.
H. R. 5353. Hannah C. Bunch.	H. R. 6354. Melvina Osborn.	H. R. 7274. Mary J. Heaney.	H. R. 7680. Anna Tharp.
H. R. 5356. Walburga Fassnacht.	H. R. 6355. Huldah Leedom.	H. R. 7283. Susan Clark.	H. R. 7681. Erselia Covert.
H. R. 5357. Helen Kennedy.	H. R. 6356. Arriadne Stewart.	H. R. 7292. Mollie Orem.	H. R. 7682. Mary J. Coon.
H. R. 5358. Bridget O'Connor.	H. R. 6359. Ollie T. Miller.	H. R. 7294. Minerva E. Berry.	H. R. 7684. Mertella T. Clark.
H. R. 5360. Isabel W. Siler.	H. R. 6371. Clara Swanson.	H. R. 7295. Lucy A. Blakeley.	H. R. 7685. Ida B. Chesebrough.
H. R. 5361. Lucy Rush.	H. R. 6386. Nancy A. Dixon.	H. R. 7296. Mary E. Browning.	H. R. 7686. Addie Champion.
H. R. 5362. Sophia C. Harrington.	H. R. 6387. Caroline Pasley.	H. R. 7297. Katharine K. Collins.	H. R. 7687. Emeline L. Carr.
H. R. 5363. Laura Comingore.	H. R. 6390. Rebecca McDowell.	H. R. 7298. Mary E. Fountain.	H. R. 7688. Nellie F. Carey.
H. R. 5364. Mary S. McLean.	H. R. 6403. Johanna L. Blish.	H. R. 7300. Helen D. Jenkins.	H. R. 7689. Mary L. Campbell.
H. R. 5367. Martha R. Wilcoxan.	H. R. 6407. Margaret Crelley.	H. R. 7302. Sarah J. Joslin.	H. R. 7690. Caroline S. Byam.
H. R. 5368. Elizabeth H. Crigler.	H. R. 6408. Anna E. Doty.	H. R. 7304. Jennie McQueen.	H. R. 7691. Orinda L. Burdick.
H. R. 5370. Deborah A. Tolliver.	H. R. 6409. Jennie Page.	H. R. 7305. Ella Moore.	H. R. 7692. Julia M. Buchanan.
H. R. 5371. Mary N. Zufall.	H. R. 6410. Mary E. Moss.	H. R. 7306. Hettie Quigley.	H. R. 7693. Mary P. Bruner.
H. R. 5372. Catherine Black.	H. R. 6414. Annie Hagan.	H. R. 7307. Mary L. Richards.	H. R. 7694. Mary Brown.
H. R. 5374. Sarah F. Huff.	H. R. 6417. Amanda E. Rogers.	H. R. 7308. Elizabeth O. Robertson.	H. R. 7695. Cynthia M. Brown.
H. R. 5375. Charity Ann Utter.	H. R. 6428. Mary A. Miller.	H. R. 7310. Cora Young.	H. R. 7698. Harriett E. Beary.
H. R. 5410. Maria P. Flüge.	H. R. 6433. Mary E. Rogers.	H. R. 7311. Deliah M. Zenor.	H. R. 7712. Frances J. Denney.
H. R. 5417. Laura O'Dwyer.	H. R. 6434. Lucinda Martin.	H. R. 7312. Annie M. Robb.	H. R. 7721. Annie L. Williamson.
H. R. 5438. Virginia Morris.	H. R. 6435. Minnie W. Hurlburt.	H. R. 7314. Sarah A. Welshmyer.	H. R. 7760. Ruth Cooley.
H. R. 5443. Martha E. Butt.	H. R. 6437. Mary A. Lewis.	H. R. 7317. Anna J. Cochran.	H. R. 7762. Maria Smith.
H. R. 5444. Annie A. Little.	H. R. 6444. Catharine Flori.	H. R. 7321. Josephine Thompson.	H. R. 7763. Henrietta C. Dodge.
H. R. 5445. Susan V. Cornell.	H. R. 6450. Elizabeth Jane Borlin.	H. R. 7323. Martha A. Hodges.	H. R. 7765. Julia Burkart.
H. R. 5447. Mary Smith.	H. R. 6457. Josephine Wallace.	H. R. 7377. Nannie J. Heinbach.	H. R. 7768. Ethel L. Williams.
H. R. 5448. Scottie E. Scofield.	H. R. 6533. Sarah A. Showalter.	H. R. 7380. Carrie E. Viney.	H. R. 7776. Mary Trouts.
H. R. 5449. Anna H. Humbertson.	H. R. 6535. Ivey R. Wood.	H. R. 7391. Permelia Miller.	H. R. 7783. Annie M. Barnhart.
H. R. 5452. Martha Cherry.	H. R. 6536. Mary Keen.	H. R. 7407. Elizabeth F. Belles.	H. R. 7788. Alice J. Williams.
H. R. 5453. Catherine McDermitt.	H. R. 6540. Mary A. Salsbury.	H. R. 7413. Catharine Wood.	H. R. 7790. Matilda M. Bear.
H. R. 5454. Laney M. Darkey.	H. R. 6553. Nancy E. Baker.	H. R. 7414. Nancy E. Carrington.	H. R. 7792. Elizabeth Jones.
H. R. 5455. Sarah C. Shilt.	H. R. 6561. Harriette Marsh.	H. R. 7423. Alice Van Every.	H. R. 7793. Susan M. Kyle.
H. R. 5457. Nancy E. Norris.	H. R. 6570. Mary A. Miller.	H. R. 7425. Emily Mapes.	H. R. 7804. Lucinda C. Jacobs.
H. R. 5458. Catharine Sunburg.	H. R. 6582. Eliza Ann Bottom.	H. R. 7429. Mary J. Pettit.	H. R. 7805. Martha J. Ingie.
H. R. 5461. Margaret B. Parker.	H. R. 6584. Helena Hasenstab.	H. R. 7432. Jennie L. Storms.	H. R. 7806. Jadna Coward.
H. R. 5463. Sarah J. Ramsey.	H. R. 6586. Sarah E. M. Miller.	H. R. 7440. Isabella Knapp.	H. R. 7811. Lucy E. Russell.
H. R. 5476. Margaret Haney.	H. R. 6587. Prissilla Storms.	H. R. 7441. Louisa H. Iland.	H. R. 7816. Huldaj Sanders.
H. R. 5478. Mary Stafford.	H. R. 6589. Sarah A. Royer.	H. R. 7442. Sarah E. Hampton.	H. R. 7822. Mary A. Smith.
H. R. 5880. Eliza A. Sears.	H. R. 6600. Lillie S. Armsted.	H. R. 7444. Frances Heath.	H. R. 7826. Hattie Max.
H. R. 5881. Della Satterly.	H. R. 6605. Nannie R. Harrison.	H. R. 7446. Jane Cooper.	H. R. 7829. Jennie L. Russell.
H. R. 5882. Harriet J. Gaylord.	H. R. 6607. Annie H. Hooper.	H. R. 7482. Margaret Burris.	H. R. 7834. Alice Spence.
H. R. 5883. Julia Cramer.	H. R. 6608. Mabel Wright.	H. R. 7498. Bettie A. Baldwin.	H. R. 7835. Rosa E. Postel.
H. R. 5884. Lydia J. Marchand.	H. R. 6609. Harriet B. Bolser.	H. R. 7499. Addie C. Page.	H. R. 7843. Mary DeVos.
H. R. 5886. Harriet Wentz.	H. R. 6611. Laura M. Ellis.	H. R. 7501. Mary E. Hertzler.	H. R. 7846. Margaret Cansler.
H. R. 5888. Catherine Fitzpatrick.	H. R. 6615. Susan M. Hill.	H. R. 7502. Margaretta Gloss.	H. R. 7847. Mary A. Reiber.
H. R. 5889. Lillian E. Zoller.	H. R. 6620. Nancy C. Vanhooose.	H. R. 7507. Ida E. Fisher.	H. R. 7853. Phebe Hills.
H. R. 5891. Lorena Wample.	H. R. 6625. Annie Perkins.	H. R. 7515. Almira Gill.	H. R. 7854. Katie McDonald.
H. R. 5892. Rosetta Cleveland.	H. R. 6627. Elizabeth J. Smith.	H. R. 7528. Frances J. Jackson.	H. R. 7857. Mary J. Vernatter.
H. R. 5893. Sarah J. M. Cotton.	H. R. 6628. Mary A. Howard.	H. R. 7536. Jeanette P. Merchant.	H. R. 7858. Lelia E. Brunker.
H. R. 5908. Mary F. Raymond.	H. R. 6632. Sarah A. Briggs.	H. R. 7537. Cansady McDonald.	H. R. 7862. Sarah E. Taylor.
H. R. 5911. Malinda Winslip.	H. R. 6635. Temperance Whittman.	H. R. 7543. Susanna List.	H. R. 7864. Eliza Tinkham.
H. R. 5924. Jennie E. Daugherty.	H. R. 6636. Ella Koppisch.	H. R. 7544. Louisa E. Miller.	H. R. 7865. Matilda F. Axline.
H. R. 5936. Mary A. Reed.	H. R. 6725. Mary Hahn.	H. R. 7563. Emma L. Putnam.	H. R. 7867. Sarah A. Gormley.
H. R. 5957. Maria Austin.	H. R. 6726. Catharine L. Foote.	H. R. 7564. Carrie P. Prentice.	H. R. 7868. Julia Norris.
H. R. 5959. Annie E. Slawson.	H. R. 6729. Sarah E. Sutton.	H. R. 7566. Margaret A. Peterson.	H. R. 7870. Emma McCameron.
H. R. 5962. Sarah F. Garrison.	H. R. 6772. Nellie B. Paddock.	H. R. 7569. Alida Parkhill.	H. R. 7872. Sarah E. Wallace.
H. R. 5963. Mary Chilson.	H. R. 6784. Anna M. Hacks.	H. R. 7570. Amelia Orr.	H. R. 7873. Emma J. Field.
H. R. 5965. Della A. Lillerbridge.	H. R. 6785. Margaret A. Dively.	H. R. 7571. Louisa B. Newcomb.	H. R. 7876. Josie Martin.
H. R. 5979. Mabel L. Shumway.	H. R. 6800. Magdalena C. Beck.	H. R. 7572. Emma E. Nelson.	H. R. 7877. Mary E. Cooley.
H. R. 5991. Elvira A. Hale.	H. R. 6808. Rhoda I. Woodruff.	H. R. 7574. Sophronia A. Mettler.	H. R. 7879. Esther M. Bunn.
H. R. 5997. Cynthia A. Monroe.	H. R. 6812. Litia Mills.	H. R. 7575. Jessie McManus.	H. R. 7880. Maggie A. Shephard.
H. R. 5998. Susan Hill.	H. R. 6818. Susan E. Smith.	H. R. 7576. Jennie McGovern.	H. R. 7881. Johanna P. Miller.
H. R. 6000. Emma G. Heffner.	H. R. 6822. Jane Christian.	H. R. 7582. M. Frank Lentz.	H. R. 7886. Rachel Berkshire.
H. R. 6013. Gertrude Cissell.	H. R. 6825. Celia A. Brown.	H. R. 7584. Mary London.	H. R. 7956. Henrietta Sumpter.
H. R. 6014. Sarah E. Adams.	H. R. 6828. Della M. Storie.	H. R. 7586. Mary Alida Kilpatrick.	H. R. 7957. Elizabeth Sarah Taggart.
H. R. 6111. Louisa Roberts.	H. R. 6831. Mary A. Wenner.	H. R. 7587. Lucy M. Kennedy.	H. R. 7968. Matilda Lovey.
H. R. 6131. Sarah J. Hanna.	H. R. 6834. Mary De Rusha.	H. R. 7590. Catherine E. Keck.	H. R. 7991. Susan E. Rodgers.
H. R. 6135. Mattie H. Meise.	H. R. 6841. Reckel Mydlorsch.	H. R. 7591. Isadora Judson.	H. R. 7994. Maria Davis.
H. R. 6139. Rachel Kline.	H. R. 6866. Louisa E. McClinton.	H. R. 7592. Miranda Jenks.	H. R. 8012. Helen A. Parker.
H. R. 6143. Orill L. Hunter.	H. R. 6867. Minnie Fliege.	H. R. 7593. Diana Tillyer.	H. R. 8017. Mae E. Garrison.
H. R. 6177. Faustina B. Barton.	H. R. 6868. Sarah E. Herron.	H. R. 7596. Evaline R. Tuton.	H. R. 8021. Frances E. Bowers.
H. R. 6184. Mary B. Bush.	H. R. 6875. Mary Bruce.	H. R. 7597. Lillian M. Van Housen.	H. R. 8032. Abbie R. Raymond.
H. R. 6186. Emma J. Preble.	H. R. 6880. Ellen Gavin.	H. R. 7600. Frances C. Ward.	H. R. 8038. Mary Thompson.
H. R. 6187. Lizzie M. Bird.	H. R. 6882. Mary C. Young.	H. R. 7601. Temperance C. Ward.	H. R. 8044. Catharine J. Lynn.
H. R. 6195. Della Ham.	H. R. 6883. Hattie J. Jones.	H. R. 7602. Alice D. Washburn.	H. R. 8049. Kate M. Wagner.
H. R. 6210. Mary J. Kenan.	H. R. 6886. Mary E. Brubaker.	H. R. 7604. Elizabeth A. Weeks.	H. R. 8060. Magdalene Inglebirt.
H. R. 6219. Emma C. Clothier.	H. R. 6891. Mary A. Longworth.	H. R. 7605. Anna M. Zwilling.	H. R. 8061. Annie Malehorn.
H. R. 6220. Ellen Russell.	H. R. 6900. Malinda Shroyer.	H. R. 7608. Helen E. Winship.	H. R. 8063. Margaret Callahan.
H. R. 6221. Jennie Dooley.	H. R. 6905. Phebe M. Apgar.	H. R. 7609. Amanda A. White.	H. R. 8065. Margaret Ring.
H. R. 6222. Mary A. Bellows.	H. R. 6915. Charlotte E. Hammitt.	H. R. 7627. Jennie A. Howard.	H. R. 8067. Martha E. Gear.
H. R. 6225. Clemenza A. Avery.	H. R. 6918. Mary Bentley.	H. R. 7628. Sylvia A. Hollenbeck.	H. R. 8069. Adaline B. Hopkins.
H. R. 6226. Elizabeth Ginder.	H. R. 6932. Nettie S. Anderson.	H. R. 7630. Hattie A. Hill.	H. R. 8083. Elizabeth Geyer.
H. R. 6227. Catharine West.	H. R. 6940. Margret E. Arbun.	H. R. 7635. Emma Furey.	H. R. 8090. Zachariah T. Davenport.
H. R. 6229. Joseph A. Huffman.	H. R. 6942. Mary Bayette.	H. R. 7636. Eliza J. Freese.	H. R. 8091. Clara Comer.
H. R. 6230. Mary Whiteleather.	H. R. 6945. Allie Mitchelltree.	H. R. 7637. Susan L. Fero.	H. R. 8098. Jane C. Godfrey.
H. R. 6231. Harriett Oberlin.	H. R. 6949. Martha Ely.	H. R. 7638. Sarah Evland.	H. R. 8100. Eunice R. Rose.
H. R. 6237. Catharine Newlin.	H. R. 6951. Addie H. Gardner.	H. R. 7639. Sarah B. Drake.	H. R. 8103. Lucy McDonnell.
H. R. 6238. Mary E. Bookhammer.	H. R. 7039. Fannie R. Parshley.	H. R. 7640. Sarah C. Dixon.	H. R. 8161. Elizabeth T. Kille.
H. R. 6240. Ruth A. Jenkins.	H. R. 7041. Harriet E. Randall.	H. R. 7641. Eunice M. Denmark.	H. R. 8170. California T. Myers.
H. R. 6241. Mary E. Conwell.	H. R. 7047. Mary E. Sutton.	H. R. 7642. Margaret A. De Coursey.	H. R. 8173. Catharine J. Hall.
H. R. 6242. M. Carrie Ellis.	H. R. 7074. Elizabeth N. Perry.	H. R. 7643. Mary E. Dawson.	H. R. 8176. Hortense J. George.
H. R. 6243. G. Annie Gregg.	H. R. 7114. Amy Hooper.	H. R. 7644. Margaret Davis.	H. R. 8177. Malissa F. Stayton.
H. R. 6244. Mary E. Young.	H. R. 7115. Jennie A. Ford.	H. R. 7645. Sarah E. Cushing.	H. R. 8182. Emma G. Miller.
H. R. 6252. Nettie Hamill.	H. R. 7117. Rosa Fosnight.	H. R. 7649. Lida M. Crane.	H. R. 8184. Mary C. Barnes.
H. R. 6264. Sarah Bell.	H. R. 7119. Elizabeth Swan.	H. R. 7651. Prudence Bennett.	H. R. 8189. Melissa E. Gaines.
H. R. 6269. Isadora B. Meadows.	H. R. 7128. Belle Stuart.	H. R. 7652. Martha J. Bennett.	H. R. 8191. Sarah J. Bean.
H. R. 6270. Mary J. Corle.			H. R. 8196. Ruth E. Barton.
H. R. 6273. William L. Wilson.			H. R. 8204. Rebecca Brewer.
H. R. 6285. Jane E. Cave.			H. R. 8209. Mary E. Walker.
H. R. 6289. Friderike Pille.			H. R. 8238. Mary M. Renwick.
H. R. 6298. Anna B. Leiter.			

H. R. 8244. Hannah Wetherill.	H. R. 8955. Sarah J. Harris.	H. R. 9707. Gertrude Ohmes.	H. R. 10348. Ida F. Saxbury.
H. R. 8246. Martha L. Palmer.	H. R. 8959. Amanda Pope.	H. R. 9717. Sarah A. Fleak.	H. R. 10379. Anna B. Morgan.
H. R. 8247. Ann A. Smith.	H. R. 8979. Susan L. Nichols.	H. R. 9718. Ella Howard.	H. R. 10381. Louise W. Koch.
H. R. 8248. Annie Pecor.	H. R. 8990. Mary J. Mullet.	H. R. 9724. Mary C. Rowe.	H. R. 10388. Etta D. Harrington.
H. R. 8258. Dianna Ricketts.	H. R. 8992. Mary A. Phillips.	H. R. 9727. Sarah J. Jones.	H. R. 10389. Catharine Gooderson.
H. R. 8262. Jennie DuBois.	H. R. 8993. Martha J. Smith.	H. R. 9728. Lizzie Butler.	H. R. 10390. Lucinda Hoon.
H. R. 8263. Annie M. Kelly.	H. R. 8994. Mary E. Dubbs.	H. R. 9738. Ellen B. Lasure.	H. R. 10391. Lucy P. Reagle.
H. R. 8390. Margaret B. Patterson.	H. R. 8997. Lydia A. Robinson.	H. R. 9739. Charilla Harbour.	H. R. 10393. Jennie Appleget.
H. R. 8391. Florence Bratton.	H. R. 9004. Sarah J. Heiser.	H. R. 9742. Fannie Gordon.	H. R. 10395. Jessie Blair.
H. R. 8397. Florence B. Clark.	H. R. 9007. Mary E. Banker.	H. R. 9744. Elizabeth B. Arnold.	H. R. 10396. Hortense Bernardin.
H. R. 8398. Ann E. Worrell.	H. R. 9016. Susan Goble.	H. R. 9752. Sarah Campbell.	H. R. 10400. Louanna Cross.
H. R. 8399. Salina V. Allen.	H. R. 9067. Amelia A. Ellis.	H. R. 9753. Mary O'Neill.	H. R. 10412. Julia Blanchard.
H. R. 8403. Fannie J. B. Kelley.	H. R. 9068. Illinois Christie.	H. R. 9755. Annie E. McFarland.	H. R. 10419. Susan A. Hatcher.
H. R. 8404. Sarah Jane Evans.	H. R. 9069. Christina Meyer.	H. R. 9759. Mary E. Boseley.	H. R. 10448. Jennie A. Raymond.
H. R. 8406. Mary E. Hollopeter.	H. R. 9079. Keturah E. Pierson.	H. R. 9790. Elizabeth Reed.	H. R. 10449. Susan Vaughn.
H. R. 8407. Emma E. Peters.	H. R. 9081. Ellen J. Cartland.	H. R. 9796. Sarah Jane Sherer.	H. R. 10459. Henrietta Stackpole.
H. R. 8408. Mariah T. Howell.	H. R. 9088. Mary A. Hall.	H. R. 9800. Cynthia A. Culver.	H. R. 10460. Eva M. Baker.
H. R. 8416. Philippina Hople.	H. R. 9092. Harriett L. Bowen.	H. R. 9801. Sarah J. Ober.	H. R. 10461. Elvira Young.
H. R. 8418. Emily I. Lacy.	H. R. 9103. Jane A. McDonough.	H. R. 9804. Ida Chilson.	H. R. 10464. Annie E. Stauch.
H. R. 8424. Alice J. Potter.	H. R. 9108. Harriet Knizley.	H. R. 9819. Emma Martin.	H. R. 10465. Annie E. Parks.
H. R. 8427. Maggie L. Burgess.	H. R. 9113. M. Alice Dimmick.	H. R. 9820. Felicia B. Frew.	H. R. 10468. Helen Gibbs.
H. R. 8428. Harriet C. Hay.	H. R. 9116. Diantha Dean.	H. R. 9821. Margaret E. Shaffer.	H. R. 10470. Hattie N. Brown.
H. R. 8429. Catherine Andrews.	H. R. 9122. Sarah E. Hooper.	H. R. 9822. Caroline E. Trumbull.	H. R. 10497. Sarah A. Lovelady.
H. R. 8430. Mary A. Williams.	H. R. 9158. Minnesota Rial.	H. R. 9823. Emaline Sprinker.	H. R. 10504. Elizabeth Evans.
H. R. 8431. Elizabeth Nash.	H. R. 9169. Mary J. Corey.	H. R. 9824. Henrietta Stevenson.	H. R. 10510. Ruth A. Hazard.
H. R. 8435. Hattie Sinclair.	H. R. 9171. Mary E. Faunce.	H. R. 9825. Emma M. Paye.	H. R. 10512. Jennie Porter.
H. R. 8436. Ida L. Clark.	H. R. 9173. Amanda J. Harris.	H. R. 9875. Ellen B. Wurtz.	H. R. 10514. Sylvia S. Felmly.
H. R. 8438. Mary A. Butts.	H. R. 9178. Margaret A. Allison.	H. R. 9876. Mary T. Sturgel.	H. R. 10523. Mary R. Gorham.
H. R. 8448. Elizabeth Hastrich.	H. R. 9179. Susana Place.	H. R. 9877. Emily J. McCollum.	H. R. 10527. Lucetta Hayes.
H. R. 8471. Elizabeth J. Martin.	H. R. 9181. Araminta M. Smith.	H. R. 9882. Ellen Bott.	H. R. 10531. Nancy Wolford.
H. R. 8472. Sarah Sullins.	H. R. 9184. Emily L. Brown.	H. R. 9883. Mary H. Smith.	H. R. 10537. Josephine Sullivan.
H. R. 8476. Florence Bogart.	H. R. 9185. Anna H. Lowry.	H. R. 9885. Emma J. Watts.	H. R. 10571. Isabella C. S. Gilder-sleeve.
H. R. 8494. Dora A. Hart.	H. R. 9216. Mary E. Flegal.	H. R. 9886. Margaret A. Church.	H. R. 10581. Marion G. Webb.
H. R. 8495. Almira Lalone.	H. R. 9232. Wilhelmina H. Schwal-her.	H. R. 9887. Mary A. White.	H. R. 10583. Flora Seymour.
H. R. 8503. Margaret Waugh.		H. R. 9890. Maria Fluor.	H. R. 10594. Mary E. McCoy.
H. R. 8513. Margaret Lawwill.	H. R. 9233. Ettie C. Smith.	H. R. 9891. Mary Dailey.	H. R. 10597. Margaret A. Louthan.
H. R. 8520. Jennette Horton.	H. R. 9234. Margaret Brown.	H. R. 9892. Sarah J. Stanbrough.	H. R. 10598. Mary E. Lamb.
H. R. 8573. Emily A. McLeran.	H. R. 9240. Margaret E. Gunter.	H. R. 9904. Elsie E. Tankersley.	H. R. 10607. Callie M. Lyon.
H. R. 8578. Edith Chase.	H. R. 9244. Lydia Reese.	H. R. 9911. Araminta M. Smith.	H. R. 10610. Ellen V. Heiner.
H. R. 8581. Mary C. Dennis.	H. R. 9246. Malinda Stevens.	H. R. 9914. Margaret Kane.	H. R. 10612. Elizabeth A. Woodruff.
H. R. 8583. Rebecca E. Lentz.	H. R. 9253. Bridget D. Boland.	H. R. 9915. Phoebe C. Austin.	H. R. 10614. Hannah P. M. Dunham.
H. R. 8584. Helen A. E. Witman.	H. R. 9257. Emeline Isminger.	H. R. 9920. Rebecca A. Bonesteel.	H. R. 10630. Basha A. Forshee.
H. R. 8585. Elizabeth A. Bryan.	H. R. 9263. Emma J. Mawhirter.	H. R. 9921. Mary A. Bailey.	H. R. 10632. Julie Friedrich.
H. R. 8586. Mary A. King.	H. R. 9264. Betsy E. McCaddow.	H. R. 9923. Eulalie Charbonneau.	H. R. 10634. Hannah C. Roberts.
H. R. 8588. Alice Henry.	H. R. 9267. Ellen A. Chapell.	H. R. 9925. Margaret Newman.	H. R. 10660. Sarah E. Courter.
H. R. 8592. Hannah A. Harlow.	H. R. 9268. Sarah Lytle.	H. R. 9926. Jennie S. Adams.	H. R. 10665. Anna M. Kennedy.
H. R. 8603. Martha Schmelzle.	H. R. 9302. Edgar M. Riggs.	H. R. 9927. Julia Floyd.	H. R. 10666. Malinda Peiffer.
H. R. 8604. Susan Piggett.	H. R. 9306. Anna E. Castle.	H. R. 9930. Sarah E. Blanchard.	H. R. 10667. Elizabeth Dies.
H. R. 8606. Chloe Wertz.	H. R. 9316. Anna M. Drake.	H. R. 9931. Sara Campbell.	H. R. 10668. Eldorado Walker.
H. R. 8612. Phoebe Ely.	H. R. 9323. Mary Adams.	H. R. 9937. Luscenia Duncan.	H. R. 10669. Matilda Michael.
H. R. 8616. Maria L. Doughty.	H. R. 9324. Isabell Wilson.	H. R. 9942. Marietta L. McNair.	H. R. 10670. Nancy E. Miller.
H. R. 8619. Eliza A. Morrison.	H. R. 9327. Nettie C. Talbott.	H. R. 9969. Mary J. Connour.	H. R. 10682. Nancy R. Eaton.
H. R. 8624. Mary E. Reynolds.	H. R. 9328. Catharine Taylor.	H. R. 9970. Mary Beaudette.	H. R. 10685. Catharine Myers.
H. R. 8626. Nancy J. Rider.	H. R. 9330. Elizabeth Smith.	H. R. 9976. Ada E. Dobbins.	H. R. 10686. Gertrude Fisk.
H. R. 8629. Emmer A. Ward.	H. R. 9331. Margaret E. Glenn.	H. R. 9979. Hettie A. Hendricks.	H. R. 10691. Ella A. Knapp.
H. R. 8634. Sarah E. Clark.	H. R. 9332. Fidelia A. Gibson.	H. R. 9983. Caroline Andrew.	H. R. 10692. Rose A. Robinson.
H. R. 8637. Elizabeth Boes.	H. R. 9335. Eliza J. Merrill.	H. R. 9985. Nancy Lemons.	H. R. 10693. Clara Alton.
H. R. 8639. Delia Lammers.	H. R. 9376. Nancy A. Cook.	H. R. 9988. Mary B. Wallace.	H. R. 10694. Frances L. Prim.
H. R. 8641. Jessie W. Le Clere.	H. R. 9393. Caroline Hoffman.	H. R. 10003. Adaline Whinery.	H. R. 10695. Anna E. Gehrett.
H. R. 8649. Sarah A. Peters.	H. R. 9394. Martha J. Hite.	H. R. 10004. Elizabeth A. Becker.	H. R. 10698. Elizabeth J. Stoner.
H. R. 8653. Alice Rose.	H. R. 9400. John S. Ashworth.	H. R. 10007. Anna M. McKain.	H. R. 10699. Anna M. Black.
H. R. 8661. Alice O'Hearn.	H. R. 9406. Eliza A. Diveley.	H. R. 10011. Mary Ryan.	H. R. 10700. Sarah E. Johnson.
H. R. 8666. Anna M. Frank.	H. R. 9410. Marion L. Holvenstot.	H. R. 10017. Margaret Davidson.	H. R. 10717. Susan Gentry.
H. R. 8667. Useba McMullen Byers.	H. R. 9414. Mary A. Glackin.	H. R. 10029. Catharine Groff.	H. R. 10745. Mary L. Wheeler.
H. R. 8669. Anna Houghtlin.	H. R. 9415. Elizabeth Gallagher.	H. R. 10043. Melissa J. Sprague.	H. R. 10753. Belle M. Jump.
H. R. 8670. Mary Lum.	H. R. 9420. Lottie Hannah.	H. R. 10047. Dorothy Ott.	H. R. 10772. Sarah M. Armstrong.
H. R. 8675. Nellie L. Hallock.	H. R. 9422. Ellen J. Strain.	H. R. 10055. Mary E. Guliver.	H. R. 10779. Susie E. Richards.
H. R. 8676. Lydia J. Goodsell.	H. R. 9424. Jane A. Ford.	H. R. 10056. Sarah Frances Vibbert.	H. R. 10780. Nancy J. Wager.
H. R. 8677. Maggie M. Horton.	H. R. 9425. Harriet B. Gros.	H. R. 10064. Elizabeth W. Harris.	H. R. 10787. Nettie S. Staples.
H. R. 8678. Ann S. Henderson.	H. R. 9437. Catharine Whitney.	H. R. 10068. Mary A. Dial.	H. R. 10788. Susanna Dakin.
H. R. 8681. Jennie S. Bennett.	H. R. 9445. Dora H. Emmens.	H. R. 10094. Jennie R. Jennings.	H. R. 10789. Alice E. Murphy.
H. R. 8684. Sarah Van Tuyl.	H. R. 9447. Emma C. Miller.	H. R. 10102. Florence J. Chapin.	H. R. 10790. Mary A. Schwartz.
H. R. 8685. Delia L. Maricle.	H. R. 9448. Emma Miller.	H. R. 10109. Sesurea Rose Therrien.	H. R. 10792. Emma S. Rust.
H. R. 8689. Josie Duval.	H. R. 9449. Rachel A. Mickler.	H. R. 10114. Mary Short.	H. R. 10793. Eliza J. Newton.
H. R. 8693. Cinderella I. McCracken.	H. R. 9450. Martha A. Vroman.	H. R. 10115. Harriet N. Gates.	H. R. 10797. Mary L. Huff.
H. R. 8701. Mary A. Purvis.	H. R. 9467. Frederick Smith.	H. R. 10120. Nellie M. Stern.	H. R. 10811. Isophene Ward.
H. R. 8703. Eliza A. Maxfield.	H. R. 9469. Elizabeth Guy.	H. R. 10122. Phyletta Manning.	H. R. 10818. Jennie M. Searle.
H. R. 8705. Rinda Wilson.	H. R. 9470. Jane Miller.	H. R. 10123. Mary L. Nickloy.	H. R. 10820. Ella Winchester.
H. R. 8706. Sarah J. McDowell.	H. R. 9474. Ruth L. Terrill.	H. R. 10128. Rachel Clark.	H. R. 10823. Georgianna G. Thayer.
H. R. 8707. Mary Vanover.	H. R. 9479. Lisetta Howell.	H. R. 10129. Louise E. Van Norden.	H. R. 10831. Bridget Mullins.
H. R. 8756. Elizabeth Dextater.	H. R. 9506. Mary A. Biggs.	H. R. 10134. Henrietta A. Forbes.	H. R. 10832. Samantha Snider.
H. R. 8759. Martha S. Foster.	H. R. 9508. Sarah E. Sennard.	H. R. 10135. Ruth E. Hering.	H. R. 10833. Alice Black.
H. R. 8766. Serena B. Bray.	H. R. 9514. Elizabeth Hess.	H. R. 10175. Huldah Van Cleve.	H. R. 10841. Catherine A. Curran.
H. R. 8777. Rose Murphy.	H. R. 9529. Mary E. Oliver.	H. R. 10176. Cornelia B. Atkinson.	H. R. 10844. Sarah Hubbard.
H. R. 8780. Annie M. Burgner.	H. R. 9531. Maria A. Towers.	H. R. 10177. Miranda Joste.	H. R. 10848. Louisa D. Warriner.
H. R. 8781. Mary E. Horner.	H. R. 9533. Mary Hollopeter.	H. R. 10203. Hattie McKearnin.	H. R. 10849. Susan F. Winchell.
H. R. 8782. Rosana Keesey.	H. R. 9541. Armina J. Orcutt.	H. R. 10206. Mary A. Odom.	H. R. 10850. Annie C. Walbridge.
H. R. 8792. Mary L. Warrick.	H. R. 9548. Sarah E. Pearson.	H. R. 10219. Mary A. Reed.	H. R. 10852. Sarah Steward.
H. R. 8800. Mary Boyles.	H. R. 9550. Minnie Toner.	H. R. 10222. Sarah Howe.	H. R. 10855. Sarah J. Roop.
H. R. 8801. Margaret M. Pinkerton.	H. R. 9551. Louise Schuckmann.	H. R. 10223. Louisa Burk.	H. R. 10893. Malinda Jack.
H. R. 8815. Anna Chaney.	H. R. 9555. Harriet Williams.	H. R. 10229. Mary E. Akins.	H. R. 10894. Hattie E. Laraway.
H. R. 8816. Catharine J. Curry.	H. R. 9556. Sarah J. Hyatt.	H. R. 10243. Lucetta Sefton.	H. R. 10898. Sarah A. Sitts.
H. R. 8844. Lizzie Alice King.	H. R. 9557. Adelaide Tuthill.	H. R. 10246. Florence R. Fuller.	H. R. 10902. Isabelle Morris.
H. R. 8856. Sittira Parent.	H. R. 9558. Charlotte W. Stanley.	H. R. 10249. Isabella Sweetser.	H. R. 10903. Mary E. Dunham.
H. R. 8861. Mary E. O'Brien.	H. R. 9563. Mary R. Hill.	H. R. 10254. Ella M. Harding.	H. R. 10909. Julia A. Gilbert.
H. R. 8862. Mary E. Weston.	H. R. 9601. Elizabeth E. Matthews.	H. R. 10262. Hester Everard.	H. R. 10911. Paulina B. Cruikshank.
H. R. 8865. Mary Mulverhill.	H. R. 9602. Christina B. Yaeger.	H. R. 10264. Caroline Jenkins.	H. R. 10914. Elizabeth Brinkley.
H. R. 8866. Rose Rockenstyre.	H. R. 9608. Elizabeth B. Holmes.	H. R. 10266. Eliza A. Shaffer.	H. R. 10917. Caroline Bean.
H. R. 8867. Maria Lashway.	H. R. 9616. Margaret Ovenburg.	H. R. 10267. Anna French.	H. R. 10918. Mary E. Best.
H. R. 8870. Elizabeth L. Millican.	H. R. 9617. Lucy M. Couse.	H. R. 10268. Susannah E. Young.	H. R. 10919. Maria C. Van Horn.
H. R. 8871. Clarinda Shields.	H. R. 9624. Bell Norris.	H. R. 10272. Hannah J. Porter.	H. R. 10927. Mary L. Huron.
H. R. 8874. Sarah J. Boyd.	H. R. 9631. Hannah Cornelius.	H. R. 10273. Anna M. E. Moser.	H. R. 10931. Sarah E. Hartley.
H. R. 8879. Maggie L. Brown.	H. R. 9636. Susie Bullock.	H. R. 10277. Rebecca Copher.	H. R. 10933. Lucy Wilkes.
H. R. 8880. Catherine Shaffer.	H. R. 9643. Eliza Houchell.	H. R. 10312. Mary A. Longenhagen.	H. R. 10934. Pheba A. Snyder.
H. R. 8881. Elizabeth J. McCreary.	H. R. 9645. Rachael Gambin.	H. R. 10313. Kate Hardenstin.	H. R. 10936. Isabella Peters.
H. R. 8882. Susie Burtner.	H. R. 9652. Emma C. Cotton.	H. R. 10315. Clara O. Horning.	H. R. 10939. Annie M. Munson.
H. R. 8883. Mary E. Critchlow.	H. R. 9653. Mary E. Miller.	H. R. 10322. Laura Barnes.	H. R. 10941. Isabel Reid.
H. R. 8884. Mary Levenia Chambers.	H. R. 9655. Sarah E. Browning.	H. R. 10326. Susan O'Conner.	H. R. 10948. Carrie Watson.
H. R. 8885. Margaret Usseltion.	H. R. 9694. Rosa Vinton.	H. R. 10328. Etta A. Burke.	H. R. 10950. Rebecca A. McCauley.
H. R. 8893. Mary J. Cassidy.	H. R. 9696. Lily Moser.	H. R. 10332. Anna T. Shaw.	H. R. 10971. Caroline Stahl.
H. R. 8929. Sarah J. Shepard.	H. R. 9697. Julia A. Kresge.	H. R. 10333. Lucy Embler.	H. R. 10983. Laura Heaton.
H. R. 8944. Amanda Shannon.	H. R. 9704. Clara McCarty.	H. R. 10342. Joanna Gooch.	H. R. 10988. Jane Davis.
H. R. 8952. Dora P. Miller.		H. R. 10343. Mary E. Moore.	H. R. 10989. Mary A. Savidge.
H. R. 8954. Ellen T. Crossier.	H. R. 9706. Mary C. Adams.	H. R. 10346. Nancy M. Bailey.	



H. R. 11004. Manda Harris.	H. R. 11657. Mary Britton.	H. R. 12340. Letitia Rutter.	H. R. 13122. Jane Kinsey.
H. R. 11005. Amanda Gilbert.	H. R. 11660. Ella F. Paige.	H. R. 12363. Sarah L. Gaskill.	H. R. 13131. Aldyth L. Barnes.
H. R. 11006. Mary L. Dunham.	H. R. 11668. Nannie E. Dunham.	H. R. 12366. Margaret A. Hamblett.	H. R. 13133. Elizabeth Jones.
H. R. 11008. Nancy J. Wilson.	H. R. 11677. Elizabeth Martin.	H. R. 12371. Ella Myres.	H. R. 13134. Elizabeth Ann Simpson.
H. R. 11031. Ellen H. Dilley.	H. R. 11678. Lucinda B. Mitchell.	H. R. 12374. Catharine Sage.	H. R. 13136. Frances A. Blount.
H. R. 11034. Sarah M. Thompson.	H. R. 11680. Catherine A. Miller.	H. R. 12378. Julia A. Johnson.	H. R. 13139. Alice Allen.
H. R. 11037. Lydia A. Crosby.	H. R. 11695. Amelia O'Donnell.	H. R. 12388. Clara Dillon.	H. R. 13162. Almeda L. McClosky.
H. R. 11057. Rosa E. Gordon.	H. R. 11696. Abby J. Scott.	H. R. 12402. Ella Andrews.	H. R. 13166. Clara Henderson.
H. R. 11059. Alice Sweeney.	H. R. 11700. Rebecca E. Hefright.	H. R. 12403. Philancy J. Kirkendall.	H. R. 13167. Ellen M. Terry.
H. R. 11063. Norah Sloan.	H. R. 11705. Matilda Towers.	H. R. 12417. Clara L. Dawson.	H. R. 13170. M. Louise Holaday.
H. R. 11082. Maria Burley.	H. R. 11709. Marie Emelle Allen.	H. R. 12420. Rhoda Sprinkle.	H. R. 13187. Mary B. Mappin.
H. R. 11083. Lorena M. Hickman.	H. R. 11712. Elzora Barnes.	H. R. 12422. Cornelia Ann Bailey.	H. R. 13188. Ellen Nance.
H. R. 11101. Sophia J. Lenix, known as Sophia J. Hyler.	H. R. 11713. Helen S. Cates.	H. R. 12430. Elizabeth I. Exceen.	H. R. 13197. Mary E. Bond.
H. R. 11111. Martha J. Halre.	H. R. 11717. William H. Gray.	H. R. 12455. Josephine E. Gorham.	H. R. 13222. Alice L. Anderson.
H. R. 11112. Mary F. Johnston.	H. R. 11745. Jennie Brothers.	H. R. 12462. Mary E. Stevens.	H. R. 13223. Lucretia E. Bagby.
H. R. 11121. Polly Crum.	H. R. 11748. Caroline Kincade.	H. R. 12466. Harriet A. Owings.	H. R. 13224. Clarinda Demaris.
H. R. 11122. Charlotte A. Smith.	H. R. 11780. Martilla Murrell.	H. R. 12468. Louisa Shaffer.	H. R. 13225. Rosannah Lanham.
H. R. 11126. Kate A. Mann.	H. R. 11781. Mariett McMillan.	H. R. 12471. Roberta Salter.	H. R. 13227. Harriet Partridge.
H. R. 11144. Mary M. Campbell.	H. R. 11782. Mary J. Orr.	H. R. 12474. Lora L. Davis.	H. R. 13231. Susan McGuire.
H. R. 11145. Matilda E. Rider.	H. R. 11789. Mary Beeler.	H. R. 12478. Mary Brady.	H. R. 13232. Ella Oliver.
H. R. 11149. Augusta Hoecker.	H. R. 11790. Mary J. Conkle.	H. R. 12493. Frances Getchell.	H. R. 13236. Jennie W. Ivins.
H. R. 11164. Emma L. Nagle.	H. R. 11791. Mary A. J. Lawhead.	H. R. 12507. Addie Buss.	H. R. 13237. Anna M. Simmons.
H. R. 11165. Mary J. Morrison.	H. R. 11792. Elizabeth Kirker.	H. R. 12508. Mary Jane Bullock.	H. R. 13238. Elizabeth Porch.
H. R. 11170. Sarah C. Lutgen.	H. R. 11794. Emma Cortright.	H. R. 12509. Charlotte Petty.	H. R. 13239. Kate Neville.
H. R. 11171. Sarah J. Penn.	H. R. 11812. Eliza J. Johnson.	H. R. 12510. Emeline Nichols.	H. R. 13253. Mary I. Harwig.
H. R. 11173. Jennie H. Burford.	H. R. 11820. Mary A. Forbes.	H. R. 12512. Margaret Cull.	H. R. 13261. Jennie Messer.
H. R. 11174. Ann Oldfield.	H. R. 11821. Isabell Ilgenfritz.	H. R. 12513. Alice A. Harris.	H. R. 13262. Alice R. Young.
H. R. 11178. Mary Keeler.	H. R. 11825. Sarepta J. Edwards.	H. R. 12516. Ella E. Deering.	H. R. 13280. Dulcena Jones.
H. R. 11179. Ellen A. Seales.	H. R. 11836. Jane Carpenter.	H. R. 12536. Anna B. Ferris.	H. R. 13283. Mary E. Hazzard.
H. R. 11180. Emma L. Perry.	H. R. 11837. Belle Goddard.	H. R. 12539. Mary C. Reed.	H. R. 13284. Martha Huff.
H. R. 11183. Katherine Tipple.	H. R. 11839. Bertha Edmonds.	H. R. 12546. Martha Jane Kendrick.	H. R. 13286. Margaret Mancoer.
H. R. 11184. Adelaide W. Pumphely.	H. R. 11841. Mary Brown.	H. R. 12550. Clarissa Bailey.	H. R. 13287. Catherine Hays.
H. R. 11222. Emma Schmolsmire.	H. R. 11860. Joanna Burnett.	H. R. 12551. Nettie A. Reed.	H. R. 13289. Emily E. Morley.
H. R. 11223. Eliza F. Dixon.	H. R. 11864. Lucinda Jarboe.	H. R. 12553. Susie N. Bell.	H. R. 13290. Delilah D. Kirkpatrick.
H. R. 11235. Catharine A. Smith.	H. R. 11877. Mary Hansmeier.	H. R. 12554. Mary J. Knoderer.	H. R. 13304. Belle F. Shideler.
H. R. 11241. Frances M. Russel.	H. R. 11891. Carrie A. Speck.	H. R. 12555. Nancy J. Milliken.	H. R. 13308. Rachel McKlenny.
H. R. 11243. Mary Leffer.	H. R. 11899. Letha Dickens.	H. R. 12556. Annis B. Payne.	H. R. 13324. Anna A. Curley.
H. R. 11249. Julia H. Van Buren.	H. R. 11910. Frany Rice.	H. R. 12557. Mina B. F. Davis.	H. R. 13325. Caroline A. Dubell.
H. R. 11252. Mary S. Roberts.	H. R. 11913. Savilla Kelchner.	H. R. 12581. Rebecca S. Bloom.	H. R. 13329. Fannie M. Fisher.
H. R. 11255. Margaret J. Bruner.	H. R. 11930. Mary E. Hicks.	H. R. 12582. Jennie C. Bennett.	H. R. 13332. Sarah A. Babb.
H. R. 11256. Dorothy J. Edgar.	H. R. 11931. J. Florence Bowers.	H. R. 12585. Christine Abeling.	H. R. 13335. Sarah A. McFarland.
H. R. 11294. Mary A. Schell.	H. R. 11932. Kate C. Closson.	H. R. 12589. Frances M. Moon.	H. R. 13347. Edna L. Saxton.
H. R. 11296. Mary A. Strawn.	H. R. 11941. Caroline Allen.	H. R. 12595. Anna B. Ellis.	H. R. 13350. Thomas A. Snyder.
H. R. 11302. Elvira M. Barnefield.	H. R. 11942. Mary Henderlick.	H. R. 12598. Louisa C. Aggers.	H. R. 13352. Ann G. Bicknell.
H. R. 11316. Evaline Jenkins.	H. R. 11943. Sarah Butterfield.	H. R. 12611. Mary Munsell.	H. R. 13354. Joanna D. Patrick.
H. R. 11317. Lizzie S. Williams.	H. R. 11946. Sarah M. Law.	H. R. 12633. Mary E. Conley.	H. R. 13360. Mary V. Thompson.
H. R. 11318. Eliza H. Raitt.	H. R. 11958. Arrena Rairdon.	H. R. 12634. Mary E. Booker.	H. R. 13363. Susan E. Wilson.
H. R. 11319. Maria C. Frazier.	H. R. 11966. Rebecca P. Clark.	H. R. 12643. Addie A. Turner.	H. R. 13369. Kate Fleming.
H. R. 11320. Virginia G. Black.	H. R. 11967. Nancy G. Yancy.	H. R. 12646. Jennie M. Jones.	H. R. 13386. Hannah Connery.
H. R. 11324. Rebecca Lindsay.	H. R. 11970. Jennett McWade.	H. R. 12654. Mary Wallace.	H. R. 13387. Della Langdon.
H. R. 11326. Ida Custis.	H. R. 11971. Mary L. Miller.	H. R. 12655. Annie M. Hollis.	H. R. 13390. Martha A. Harper.
H. R. 11327. Mary A. Evans.	H. R. 12004. Josephine Chacey.	H. R. 12665. Simon E. Riggleman.	H. R. 13393. Louella Simpson.
H. R. 11328. Emma L. Myers.	H. R. 12005. Rhoda J. Jenkins.	H. R. 12699. Fannie Stevens.	H. R. 13395. Mary Hughes.
H. R. 11329. Mary E. Hurley.	H. R. 12023. Louisa B. Smith.	H. R. 12700. Mary A. Booth.	H. R. 13398. Emma E. Sinnisen.
H. R. 11330. Mary Boylen.	H. R. 12024. Maria C. Garland.	H. R. 12703. Isabella Reedy.	H. R. 13423. Ellen Poyner.
H. R. 11345. Belle Garrett.	H. R. 12027. Mary E. Elliott.	H. R. 12716. Rebecca M. Spires.	H. R. 13424. Annie Hanford.
H. R. 11347. Julia M. Ford.	H. R. 12045. Emmaline Reed.	H. R. 12719. Louis Annamiller.	H. R. 13426. Emma E. Price.
H. R. 11348. Esther C. Sawyer.	H. R. 12046. Hannah Lichtstein.	H. R. 12721. Susan J. Kessinger.	H. R. 13427. Johanna Meyer.
H. R. 11376. Carrie T. C. Brown.	H. R. 12055. Delphine Darling.	H. R. 12726. Mary J. Jenness.	H. R. 13433. Clara A. Estry.
H. R. 11379. Alice A. Jackman.	H. R. 12056. Lavonia F. Richey.	H. R. 12741. Emma Brown.	H. R. 13436. Mary J. Parker.
H. R. 11382. Mary Fallon.	H. R. 12075. Mary J. Brown.	H. R. 12750. Jane Elizabeth Carr.	H. R. 13437. Caroline R. Raynor.
H. R. 11386. Sarah J. Adams.	H. R. 12077. Matilda A. Millard.	H. R. 12753. Anna Huls.	H. R. 13466. Susan J. Boston.
H. R. 11387. Hannah E. Odell.	H. R. 12080. Lizzie M. Bowersox.	H. R. 12761. Ida L. Moore.	H. R. 13467. Blanche Holston.
H. R. 11390. Amelia Drake.	H. R. 12088. Adeline C. Keenan.	H. R. 12762. Rosamond T. Will.	H. R. 13468. Margaret Hayes.
H. R. 11392. Matilda L. Hardman.	H. R. 12090. Rebecca A. Brown.	H. R. 12787. Harry Bixler, known as Harry Bicksler.	H. R. 13470. Elizabeth K. Kershaw.
H. R. 11393. Mary P. Crawford.	H. R. 12092. Callie Jones.	H. R. 12788. Mary Ryder.	H. R. 13471. Fannie F. Marts.
H. R. 11395. Georgia G. Biggs.	H. R. 12094. Harriet A. Wiles.	H. R. 12792. Hellen A. Sleigh.	H. R. 13472. Jennie N. Milliken.
H. R. 11419. Sarah E. Ward Gold- smith.	H. R. 12097. Catherine Knoeb.	H. R. 12800. Jennie M. Otto.	H. R. 13485. Lizaetta Stuckey.
H. R. 11430. Sallie J. Courter.	H. R. 12114. Martha J. Burchfield.	H. R. 12824. Fannie S. McMullin.	H. R. 13487. Elizabeth Ginn.
H. R. 11437. Alice A. Kirkham.	H. R. 12119. Martha Ann Campbell.	H. R. 12831. Jennie H. Owen.	H. R. 13488. Bliss Evans Paul.
H. R. 11445. Jennie S. Graham.	H. R. 12120. Mary M. Headley.	H. R. 12836. Eunice J. Brooks.	H. R. 13494. Ellen O'Neill.
H. R. 11446. Mary Delige.	H. R. 12124. Martha Grubb.	H. R. 12839. Beckie E. Hyman.	H. R. 13497. Elizabeth Miller.
H. R. 11457. Florence Campbell.	H. R. 12132. Cellinda E. Fox.	H. R. 12861. Nancy Napier.	H. R. 13517. Edna Olney Chrisman.
H. R. 11486. Mary E. Halter.	H. R. 12143. Cella A. Hackett.	H. R. 12862. Nancy B. Stockton.	H. R. 13520. Catharine Knudson.
H. R. 11490. Susan A. Hawk.	H. R. 12148. Cornelia C. Hammond.	H. R. 12865. Nellie L. Cluff.	H. R. 13523. Maranda F. Seals.
H. R. 11498. Mary E. Burtner.	H. R. 12156. Margaret N. Gordon.	H. R. 12870. Catharine Browning.	H. R. 13526. Rosa Meyer.
H. R. 11504. Ella M. O'Bryan.	H. R. 12159. Frances E. Covell.	H. R. 12874. Gertrude Schoeninger.	H. R. 13527. Sarah A. Fulkerson.
H. R. 11513. Sarah E. Thrasher.	H. R. 12162. Martha A. Richey.	H. R. 12881. Mary McCoy.	H. R. 13534. Elizabeth McLeister.
H. R. 11514. Elvira Clotfelter.	H. R. 12163. Jane Snyder.	H. R. 12887. Catharine E. Whyde.	H. R. 13536. Arminna P. Rice.
H. R. 11540. Elizabeth S. Keim.	H. R. 12164. Elizabeth B. Garvin.	H. R. 12888. Adelia M. P. Jackson.	H. R. 13543. Emily C. Mather.
H. R. 11541. Catherine Rider.	H. R. 12165. Catherine J. Jones.	H. R. 12889. Mary A. Crabb.	H. R. 13545. Helen R. Godsoe.
H. R. 11552. Martha A. Budd.	H. R. 12167. Sarah Smith.	H. R. 12921. Rhoda E. Sperry.	H. R. 13551. Myzella Rowe.
H. R. 11553. Blenda C. Moore.	H. R. 12181. Mary A. Wilson.	H. R. 12927. Joanna J. Reid.	H. R. 13558. Mary W. Ryan.
H. R. 11554. Rocella Dennis.	H. R. 12182. Phoebe J. Massey.	H. R. 12936. Eliza Jane Brill.	H. R. 13559. Rachel Goble.
H. R. 11555. Virginia A. Harris.	H. R. 12196. Nancy A. Bell.	H. R. 12939. Isabella Jones.	H. R. 13561. Annie E. Toomey.
H. R. 11557. Nora B. Biesecker.	H. R. 12209. Newton Loyd.	H. R. 12941. Martha E. Moffatt.	H. R. 13569. Martha Lamb.
H. R. 11567. Alvira Byrum.	H. R. 12210. Lillie M. Wooster.	H. R. 12957. Minnie L. Sanders.	H. R. 13570. Frances M. Lynch.
H. R. 11570. Mary E. Logel.	H. R. 12212. Mary L. Merchant.	H. R. 12958. Rachel Croston.	H. R. 13572. Martha E. Read.
H. R. 11571. Fannie F. Wilson.	H. R. 12214. Martha Studdard.	H. R. 12959. Mary J. Hovey.	H. R. 13574. Sarah A. Stephens.
H. R. 11572. Sarah J. Edmonds.	H. R. 12217. Amanda Koon.	H. R. 12967. Christiana Taylor.	H. R. 13575. Laura A. Eldred.
H. R. 11576. Mary E. Boyd.	H. R. 12221. Dorothy H. Grover.	H. R. 12971. Carrie E. Klepper.	H. R. 13577. Katie M. Vandyke.
H. R. 11600. Sarah A. Nugent.	H. R. 12222. Sarah J. Claypool.	H. R. 12979. Sallie J. Mast.	H. R. 13579. Jane Fortney.
H. R. 11611. Margaret Steadman.	H. R. 12223. Addie R. Bostick.	H. R. 12982. Alice Keck.	H. R. 13581. Emma L. Bruce.
H. R. 11613. Mollie Tarvin.	H. R. 12224. Jennie Nash.	H. R. 12997. Sarah E. Parrish.	H. R. 13583. Isabel Simpson.
H. R. 11615. Sarah E. Davis.	H. R. 12226. Meltha M. Coss.	H. R. 12999. Anna E. Walters.	H. R. 13585. Dolly Matoxen.
H. R. 11632. Katie Mulford.	H. R. 12227. Eliza Wilson.	H. R. 13003. Sarah E. Peabody.	H. R. 13588. Jessie L. Clark.
H. R. 11636. Margaret A. Monahan.	H. R. 12231. Lugenla Marquis.	H. R. 13004. Kate Krisher.	H. R. 13604. Emily C. Colvin.
H. R. 11638. Mary E. Hyatt.	H. R. 12263. Mary A. Millican.	H. R. 13017. Sarah J. Scott.	H. R. 13605. Cora Nevill.
H. R. 11640. Lydia M. Robinson.	H. R. 12266. Karline Knudson.	H. R. 13020. Annie L. Lacey.	H. R. 13610. John T. Truax.
H. R. 11644. Lizzie J. Grosvenor.	H. R. 12272. Elizabeth Flickinger.	H. R. 13021. Martha J. Bennett.	H. R. 13613. Phebie Hamilton.
H. R. 11645. Harriet E. Ashbey.	H. R. 12273. Charity Dewey.	H. R. 13028. Olive H. McMillan.	H. R. 13628. Daniel B. Fitzpatrick.
H. R. 11646. Carrie Latham.	H. R. 12277. Lillie Beittler.	H. R. 13040. Lucy V. Buckingham.	H. R. 13629. Catherine D. Hyland.
H. R. 11647. Elizabeth H. Shelley.	H. R. 12279. Grace E. Todd.	H. R. 13045. Sarah J. Knight.	H. R. 13631. Gertrude Williams.
H. R. 11648. Helen M. Steward.	H. R. 12283. Centrilla L. Bailey.	H. R. 13047. Anna J. Rourke.	H. R. 13634. Sylvia Bryan.
H. R. 11649. Anne E. Phillips.	H. R. 12285. Hattie Loring.	H. R. 13059. Cordelia Childers.	H. R. 13641. Helen E. McCartney.
H. R. 11650. Margaret W. Lathrop.	H. R. 12296. Mary Ellen Nelson.	H. R. 13075. Sarah E. Biggs.	H. R. 13642. Sarah A. Cole.
H. R. 11651. Martha J. Caryl.	H. R. 12298. Elizabeth E. Deputy.	H. R. 13081. Sarah F. Tighe.	H. R. 13657. Elizabeth C. Van Al- stine.
H. R. 11652. Adelaide P. Sawyer.	H. R. 12300. Emma Gibbens.	H. R. 13090. Clara A. Thompson.	H. R. 13661. Adeline Pitzer.
H. R. 11653. Emma T. Barnes.	H. R. 12301. Elizabeth M. Thomas.	H. R. 13093. Norah M. Oberlender.	H. R. 13663. Kate Pomeroy.
H. R. 11654. Sarah J. Green.	H. R. 12302. Julia A. Fritz.	H. R. 13102. Thelda Hightower.	H. R. 13670. Violet A. Williams.
H. R. 11655. Mary J. Hayes.	H. R. 12310. Nancy L. Many.	H. R. 13103. Nellie Barrows.	H. R. 13675. Mary L. Emrie.
	H. R. 12331. Evaline Zelph.	H. R. 13104. Countess B. Duffin.	H. R. 13676. Martha M. Turner.
	H. R. 12332. Mary E. Jones.	H. R. 13118. Maria F. Shuman.	H. R. 13679. Mary A. McMican.

H. R. 13680. Eliza Goodell.  
 H. R. 13700. Elvira J. Ellison.  
 H. R. 13720. Annie M. Lovell.  
 H. R. 13726. Elizabeth A. Taylor.  
 H. R. 13735. Kishah J. Huneft.  
 H. R. 13740. Anna L. Depp.  
 H. R. 13758. Mary Alderdice.  
 H. R. 13759. Ada E. Pattin.  
 H. R. 13760. Hannah Sayles.  
 H. R. 13761. Anne Corte.  
 H. R. 13762. Mary Ann Meeker.  
 H. R. 13765. Ambrose R. Cyrus, alias A. C. Cyrus.  
 H. R. 13774. Ellen J. Bergen.  
 H. R. 13775. Laura A. Nason.  
 H. R. 13791. Agnes W. Case.  
 H. R. 13804. Adella Chilson.  
 H. R. 13805. Sarah Shoemaker.  
 H. R. 13806. Mary E. H. Smith.  
 H. R. 13807. Mary A. Blakely.  
 H. R. 13818. Jemima Robinson.  
 H. R. 13835. John Fitzwater.  
 H. R. 13836. Elizabeth Roberts.  
 H. R. 13839. A. Clark Rader, alias Clark Rader.  
 H. R. 13842. Annie Brooks.  
 H. R. 13844. Mary M. Miller.  
 H. R. 13859. Charlotte K. Vought.  
 H. R. 13860. Katherine Z. Bates.  
 H. R. 13863. Jennie L. Dockum.  
 H. R. 13864. Charles M. Barnes.  
 H. R. 13865. Bridget Deady.  
 H. R. 13891. Harriet J. Young.  
 H. R. 13892. Anna M. Shank.  
 H. R. 13894. Josephine M. Alexander.  
 H. R. 13896. Elizabeth J. Varner.  
 H. R. 13898. Minnie M. Smith.  
 H. R. 13903. Orpha A. Kilgore.  
 H. R. 13904. Talitha J. Toddhunter.  
 H. R. 13906. Lydia D. Porter.  
 H. R. 13907. Nettie Bay.  
 H. R. 13910. Leona Healy.  
 H. R. 13911. Alwilda Vinard.  
 H. R. 13915. Annie C. Rand.  
 H. R. 13916. Emily J. Williams.  
 H. R. 13920. Sarah B. Woodruff.  
 H. R. 13924. Sarah O. Acheson.  
 H. R. 13925. Rhoda Dixon.  
 H. R. 13926. Celestia A. Finks.  
 H. R. 13938. Kizziah S. Casey.  
 H. R. 13940. Hattie E. Lewis.  
 H. R. 13942. Leila Newell Smith.  
 H. R. 13943. Lydia A. P. Conover.  
 H. R. 13944. Hannah F. Dunn.  
 H. R. 13945. Matilda A. Storms.  
 H. R. 13946. Mary Livingston.  
 H. R. 13951. Ida Vancil.  
 H. R. 13952. M. Elizabeth (Isibell) Clevenger.  
 H. R. 13958. Uttie N. Grooms.  
 H. R. 13963. Sarah E. McHolland.  
 H. R. 13964. Nancy Elizabeth Armstrong.  
 H. R. 13969. Phila Cross.  
 H. R. 13970. Olive A. Baker.  
 H. R. 14008. Rebecca Parris.  
 H. R. 14018. Margaret A. Rockwell.  
 H. R. 14020. Naomi E. Glover.  
 H. R. 14024. Elizabeth Jarvis.  
 H. R. 14025. Lizzie Simpson.  
 H. R. 14026. Frank Simpson.  
 H. R. 14027. Pamela Chaney.  
 H. R. 14029. Olive Kimmel.  
 H. R. 14041. Nancy G. Lemley.  
 H. R. 14042. Catharine Hoyt.  
 H. R. 14059. Dianna Wright.  
 H. R. 14060. Matilda D. Mason.  
 H. R. 14064. Elizabeth Gibson.  
 H. R. 14081. Sarah A. Williams.  
 H. R. 14086. Mary Parker.  
 H. R. 14094. Eliza D. Hughes.  
 H. R. 14098. Harriet J. Bishop.  
 H. R. 14099. Katie Randall.  
 H. R. 14100. William W. Cooper.  
 H. R. 14102. Rebecca A. Jordan.  
 H. R. 14105. Aria A. Underwood.  
 H. R. 14106. Lovisa Pierce.  
 H. R. 14108. Sarah Hall.  
 H. R. 14109. Sarah A. Kennedy.  
 H. R. 14138. Jane Hooker.  
 H. R. 14140. Alice Wilson.  
 H. R. 14198. Caroline Cless.  
 H. R. 14202. Lavina E. Moore.  
 H. R. 14203. Sarah Ann Moore.  
 H. R. 14204. Maggie Conley.  
 H. R. 14227. Martha B. Hood.  
 H. R. 14228. Medora L. Naramore.  
 H. R. 14233. Nettie A. Jackson.  
 H. R. 14238. Hulda Thompson Garner.  
 H. R. 14239. Sarah Scivally.  
 H. R. 14240. Eliza A. Brewer.  
 H. R. 14252. Minerva Guy.  
 H. R. 14253. Annie E. Whip.  
 H. R. 14254. Virginia C. Burns.  
 H. R. 14256. Nancy C. Lecklider.  
 H. R. 14287. Catherine E. Russell.  
 H. R. 14345. Nancy Ann Wright.  
 H. R. 14509. Elizabeth Junken.  
 H. R. 14517. Martha Willoughby.  
 H. R. 14522. Nancy J. Armstrong.  
 H. R. 14525. Sarrah E. McHobson.  
 H. R. 14646. Mary E. Savage.  
 H. R. 14648. Mary D. Heistand.

Mr. ELLIOTT. Mr. Speaker, I offer the following amendments.

The SPEAKER. The Clerk will report the amendments.  
 The Clerk read as follows:

Committee amendments offered by Mr. ELLIOTT: Page 59, strike out lines 13 to 16, inclusive, the proposed beneficiary, Carrie S. Richey, having died.

Page 88, strike out lines 3 to 6, inclusive, the proposed beneficiary, Nancy E. Mount, having died.

Page 106, strike out lines 24 and 25, and on page 107, strike out lines 1 and 2, the proposed beneficiary, Sarah E. Wirick, having died.

Page 128, strike out lines 8 to 12, inclusive, the proposed beneficiary, Lucy A. Johnson, having died.

Page 148, strike out lines 14 to 17, inclusive, the proposed beneficiary, Frances E. Bolan, having died.

Page 148, strike out lines 22, 23, and 24, and on page 149, strike out lines 1 and 2, the proposed beneficiary, Nellie L. Burns, having died.

Page 207, strike out lines 7 to 10, inclusive, the proposed beneficiary, Olive H. Woods, having died.

Page 207, strike out lines 15 to 18, inclusive, the proposed beneficiary, Mary M. Tappana, having died.

Page 211, strike out lines 1 to 5, inclusive, the proposed beneficiary, Mary E. Robinson, having died.

Page 218, strike out lines 16 to 21, inclusive, the proposed beneficiary, Mary J. Anderson, having died.

Page 234, strike out lines 6 to 10, inclusive, the proposed beneficiary, Janie R. Stewart, having died.

Page 267, strike out lines 19 to 22, inclusive, the proposed beneficiary, Julia Cramer, having died.

Page 286, strike out lines 15 to 18, inclusive, the proposed beneficiary, Helena Hasenstab, having died.

Page 286, strike out lines 23 and 24, and page 287, strike out lines 1 and 2, the proposed beneficiary, Prissilla Storms, having died.

Page 301, strike out lines 14 to 17, inclusive, the proposed beneficiary, Lucy A. Blakeley, having died.

Page 302, strike out lines 18 to 21, inclusive, the proposed beneficiary, Ella Moore, having died.

Page 351, strike out lines 21 to 24, inclusive, the proposed beneficiary, Elizabeth Duxtater, having died.

Page 454, strike out lines 24 and 25, and page 455, strike out lines 1 and 2, the proposed beneficiary, Meltha M. Coss, having died.

Page 483, strike out lines 4 to 7, inclusive, the proposed beneficiary, Dulcena Jones, having died.

Page 489, strike out lines 19 to 22, inclusive, the proposed beneficiary, Elizabeth K. Kershaw, having died.

Page 497, strike out lines 9 to 12, inclusive, the proposed beneficiary, Sylvia Bryan, having died.

Mr. ELLIOTT. Mr. Speaker, these amendments reduce the estimated cost of the bill \$2,640 per annum; the estimated annual cost of the bill as now reported is \$415,524.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### TREASURY AND POST OFFICE APPROPRIATION BILL, 1930

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Treasury and Post Office appropriation bill, disagree to all the amendments of the Senate, and agree to the conference asked for.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, will the gentleman state to the House whether or not that is agreeable to the member of the Post Office Committee from this side of the House, who is ill?

Mr. WOOD. Yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to disagree to the Senate amendment and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. WOOD, Mr. THATCHER, and Mr. BYRNS.

#### NO QUORUM—CALL OF THE HOUSE

Mr. TILSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Connecticut makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CHINDBLOM. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 3]

Auf der Heide	Denison	Jeffers	Parker
Beck, Pa.	Dickstein	Jenkins	Peavey
Beck, Wis.	Doutrich	Johnson, Wash.	Peery
Cooper, Ohio	Dowell	Kearns	Porter
Crosser	Doyle	Kelly	Prall
Bell	Evans, Calif.	Kemp	Quayle
Boles	Faust	Kent	Rainey
Bowles	Fitzgerald, Roy G.	King	Ransley
Boylan	Fitzgerald, W. T.	Kunz	Reed, Ark.
Britten	Fletcher	Kvale	Reed, N. Y.
Browne	Foss	Lea, Calif.	Reid, Ill.
Buckbee	Frear	Lindsay	Robison, Ky.
Busby	Fulbright	Lathicum	Romjue
Bushong	Furlow	Lyon	Sanders, N. Y.
Butler	Gambrill	McClintic	Somers, N. Y.
Carew	Garber	McCormack	Sprout, Kans.
Carley	Garrett, Tenn.	Maas	Strother
Casey	Gibson	Menges	Sullivan
Celler	Goldner	Montague	Tatgenhorst
Cole, Md.	Goldsborough	Mooney	Tillman
Combs	Graham	Moore, Ky.	Underwood
Conner	Griest	Moore, N. J.	Updike
Crowther	Hammer	Moore, Ohio	Weller
Cullen	Hare	Morgan	Welsh, Pa.
Curry	Hudspeth	Norton, N. J.	White, Kans.
Davenport	Hull, William E.	O'Connor, N. Y.	Wolfenden
Davey	Hull, Tenn.	Oliver, N. Y.	Wurzbach
Dempsey	Igoe	Palmer	

The SPEAKER. Three hundred and twenty-two Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

#### HON. THEODORE E. BURTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent that our distinguished and revered colleague the gentleman from Ohio [Mr. BURTON] be allowed to address the House out of order. [Applause.]



The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. BURTON. Mr. Speaker, ladies and gentlemen of the House, this is at the same time a most happy occasion for me and a melancholy one. I can not exaggerate my reluctance in leaving this body, and on the kind suggestion of the gentleman from Connecticut I prize most highly the opportunity to address a few words of greeting to my colleagues on this the last day of my service in the House of Representatives.

My membership in this House has lasted for 24 years, in three different periods. It commenced 40 years ago the coming 4th of March. There is no one else in House or Senate whose tenure of office commenced at so early a date except our distinguished colleague the gentleman from Virginia [Mr. TUCKER]. As I look over this body I recognize how many were born after I first came to this House, how many of the multitude with whom I have served have come and gone and how many have passed on. My association here has been with Presidents of the United States, with men who have occupied a most notable position not only in the legislative halls of the House and Senate but in the executive departments of the Government. I have been acquainted, with some degree of intimacy, with every President, beginning with Benjamin Harrison.

In this period of 40 years how wonderful are the changes that have occurred in our own country and this great world of ours. I feel sometimes as if I were moving in a different universe from that which existed when I first came to Congress, and I again refer to the many who have passed on with whom I have associated. I can say in the language of the great German poet:

They hear not the following words  
The souls that listened to my first.

As one of long experience here I feel it perhaps a duty to offer certain words of advice and injunction to those with whom I have served. I do not wish that there should be forgotten the causes that I have advocated. In most instances the membership of the House has agreed with me; in some they have not, and I have accepted their dissent with the spirit of a genuine sport. I sincerely hope that no measure may be passed increasing the size of this House. [Applause.] When my membership commenced there were 325 only as against 435. On each occasion when there has been an increase it has been the distinct promise of those who favored it that there should be no further addition to the membership when the succeeding censuses were taken, but there was an increase in 1890, 1900, and 1910. I can not too strongly emphasize the disadvantages in the transaction of public business in a large House as compared with a smaller House, and I must again, with some delicacy, refer to the diminished prestige that belongs to the membership with every successive addition.

May I speak rather bluntly, my colleagues? You have served with me, so let me leave this injunction: Be courageous in voting upon all the questions coming before the House. There are some who in forgetfulness neglect to realize how much the average citizen prizes courage. Do not yield to the sudden impulses of an uninformed public opinion. Do not listen to the selfish propaganda of groups and different elements. If I leave the House with one disposition of regret it is that I have seen some Members, perfectly well intentioned and seeking to do their duty, overborne by propaganda in the advocacy of measures here or policies which mature consideration would have taught were not for the best interests of the people and of the whole people. The voice of conservatism is that not always the first but sometimes the second voice of the people is the voice of God, and while I would not advise you to adhere to any hide-bound conservatism, I would ask you to stand by the things which should not be shaken.

I have taken great interest here in our foreign relations, always with this one central idea: America first and patriotism our chiefest duty. [Applause.] But I have sometimes seen a spirit of distrust and unkindness for other members of the great family of nations, which I regret. The world is becoming more and more one great social and economic republic, and to occupy our proper place in the sun we must harmonize with every other people. If we have that commercial supremacy which we desire we must be fair to every other people. If we have that respect which we earnestly wish we must show ourselves deserving of respect by fairness and even by generosity in our dealings with the other countries of the earth. If we assume that leadership which, I think, proudly our own America should assume, we must show that, by our disposition toward other peoples, by a constant spirit of justice, good will, and a desire for cooperation, we are worthy of that leadership.

Let all the ends thou aim'st at be thy country's,  
Thy God's and truth's.

It is better to face defeat in an election than it is to swerve one iota from the path of principle and that which commends itself to the conscience of the individual Members.

I am sincerely hoping that in the very near future progress may be made in the cause of international peace. To speak to you freely, one reason why I sought to become a Member of the Senate was because it has so much larger a part in international relations, though we have tried here to do our best in that regard. I trust you may not be misled by the din of armies and by any pride about supremacy on the sea to adopt legislation which shall prevent us from taking that part we should as a peace-loving Nation and as one that deserves the support of other countries in assuming that leadership which we should enjoy. [Applause.]

The year is closing with two directly antagonistic facts in view, one the Briand and Kellogg treaties, which are more than a gesture. They are a declaration by more than 50 nations that war, as an instrument of policy, shall be condemned. I can not believe this declaration to be insincere or without the most salutary results. On the other hand, between two nations of South America there is a very bitter controversy. The whole framework of methods for conciliation and the avoidance of war is at stake in that controversy. Both countries are members of the League of Nations, and it is our earnest hope that the league will vindicate itself as an agency for peace in preventing armed collision between those two countries. Both are parties to treaties that promised, by conciliation, to avoid the outbreak of war. If in spite of these two facts war should break out, the question will be agitated the world over: Are your treaties for commissions of inquiry and are your memberships in the League of Nations any guaranty against nations flying at each other's throats and engaging in war, or is it true in the case of these two countries that they are less advanced in civilization and in the factors which make for world comity and for peace? We ask that question with the utmost deference.

I have sought to maintain here a rational economy. I have opposed extravagant measures. We must, on the other hand, realize that this is a great and expanding country, that the activities of the Federal Government are gaining larger volume year by year, and while public expenditures should be watched with the utmost care, it is only the most sanguine who can expect that their volume will be decreased.

I do not wish to detain you too long. I wish this parting to be without formality. I do not wish that anyone should feel called upon to respond to my remarks. I will only say good bye. I can not say farewell to many lifelong friendships, so large a number of pleasant associations. I shall hope to linger near you in the years of my life that are to follow. I shall make a constant study of your transactions. I hope at times to come in among you and see what you are doing. Health, happiness, prosperity to you all, every one.

I can not omit to state that the good will which has been manifested for me has been irrespective of party, irrespective of locality.

It is a wonderful responsibility you have to America and to the world. May your deliberations be with dignity, with the avoidance of petty squabbles or personal recrimination, with temperance in language used regarding those outside of this body, for these characteristics are worthy of a great body like this.

The future of our country, which we hope will be far better than the past, rests very much in your hands. Face this responsibility, I pray you, with courage, with wisdom, and while I would not decry partisanship, let not bitter partisanship be the motive which actuates any of you. It is with the highest hopes that I utter these words, with the hope that in the future this great House of Representatives may be worthy of its traditions in the past, that as I think of those who have gone before I am not like one speaking to a banquet hall deserted, but worthy successors are coming with each successive election, that those upon whose brow rests the dew of youth will gather with those of maturer age in the making of this House what it should be, a great factor for human betterment, for human progress, for equality of opportunity, for constant addition to the advancement and the glory of our own United States, which we have promised to serve. [Prolonged applause, all Members rising.]

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from California [Mr. SWING] for 30 minutes.

#### BOULDER DAM GIVEN FAVORABLE REPORT BY SIBERT BOARD OF ENGINEERS

Mr. SWING. Mr. Speaker and gentlemen of the House, opponents of the Boulder Dam project in this body, and in another body, profess great satisfaction with the recent report of

the board of engineers appointed under an act of Congress to investigate and report on this project. The contention of these people seems to be that the report of this board substantiates in every particular the contentions made against this project, and necessitates a scrapping of the pending legislation authorizing the project. Nothing could be further from the truth.

The report of the board resolves all major engineering disputes in favor of the Boulder Dam project. Practically every one of the controverted issues which were raised last session have been answered in favor of the proponents. I agree with the editorial comment of the Engineering News-Record of December 13, 1928, in which they say:

Public service of unusually high type is reflected in the report of the engineering board of review on the Boulder Dam project. Responding fully, sanely, and unequivocally to the queries placed before it, the report answers the major doubts with which Congress and the general citizen were disturbed last spring in the discussion of this contentious issue.

The Engineering News-Record holds, which I think is true, that "the board takes an extreme attitude of conservatism," although "this," it says, "can not reasonably be criticized, in a work of such character and magnitude."

The editorial then proceeds to list the answers which the report gives to the "major doubts" raised in the last session of Congress, as follows:

First. It declares that the proposed 550-foot dam is feasible, is capable of being safely and readily built.

Second. It finds that the project will be effective to carry out the specific combination of purposes for which it was devised—namely, flood control, silt removal, flow equalization for most efficient water supply, and power generation.

Third. It concludes that the canal into Imperial Valley can be built and maintained successfully, contrary to what has been claimed by many critics.

Fourth. It holds that the power by-product of the dam is needed and is valuable, and the project will pay, after due deduction (which, as we understand the last proceedings, has previously been contemplated) of flood-protection charges and the cost of the Imperial Valley canal.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. Let me first finish my statement, and then if I have any time I will be pleased to yield.

#### ENGINEERING BOARD APPROVES BLACK CANYON SITE IN EVERY PARTICULAR

Many people assumed that because the engineering board recommended the Black Canyon site that this was something new and different from what had heretofore been advocated as the Boulder Dam project. Such is not the case. Boulder and Black Canyon sites are only about 20 miles apart, and a dam in either place, of the same height, will accomplish practically the same results and will store the same amount of water in the identical reservoir basin. Both sites were thoroughly investigated by the Reclamation Service, but Black Canyon was considered the better site by them. The Swing-Johnson bill authorizes the construction of the dam at either of the two sites.

The Sibert Board recommends the Black Canyon site. This site is named in the Swing-Johnson bill, and is the one that was recommended in the Weymouth report for the reason that a dam can be built at that site at a lower cost than at Boulder Canyon, because—

- (a) The canyon is narrower.
- (b) The rock in the foundations and abutments is better suited for a high dam.
- (c) More storage will be created for a dam of the same height.
- (d) It is nearer the railroad.
- (e) There is a better location for the construction plant, and so forth.

In approving the site the board made the following very favorable findings:

- (a) The site is about 40 miles from Las Vegas, Nev., and the Union Pacific Railroad.
- (b) The approach is comparatively easy to the vicinity and not particularly difficult to the site itself.
- (c) A construction railroad from Las Vegas would pass near available gravel deposits and the best quarry sites lie immediately adjacent to the dam site on the line of approach.
- (d) The terrain where the quarries, railway shops, and camps would be located is open, and its development into such use at reasonable cost is entirely practicable.
- 1. The rock gorge at this location is 110 to 127 feet below low water. The gorge at the dam site is 350 feet wide at the low-water line and 880 feet wide at the crest of the dam.
- 2. The foundation is a \* \* \* tough, durable mass of rock standing with remarkably steep walls \* \* \*. The whole rock mass is essentially impervious.

3. It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

4. The associated rock formations at higher levels, more advantageously situated for development for construction uses \* \* \* are of excellent quality for that purpose. Near by there are deposits of angular gravels that have been proven by test to be suitable for use in construction.

5. There is no doubt whatever but that the rock formations of this site are competent to carry safely the heavy load and abutment thrusts contemplated. It is well adapted to making a tight seal and for opposing water seepage and circulation under and around the ends of the dam. It insures successful tunneling and, so far as the rock is concerned, the general safety and permanence of the proposed structures.

6. The board is of the opinion that the Black Canyon site is suitable for the proposed dam.

#### ENGINEERING BOARD NEGATIVES EARTHQUAKE DANGER

To many the most alarming and disturbing assertion made by our opponents the last session was that the proposed site was located in an earthquake area and that the dam might in this way be destroyed. This argument was urged following the failure of the St. Francis Dam, with the resultant disaster, although the St. Francis failed solely because of foundation weaknesses and not because of earthquakes.

The gentleman from Arizona in his address to the House last session said:

It has been stated by reputable engineers that Boulder Canyon is in an earthquake area. Two months ago there was an article in the Literary Digest showing the location of seismic disturbances throughout the world, and there was a large black dot over Boulder Canyon. (CONGRESSIONAL RECORD, May 23, p. 9860.)

This same gentleman in his minority views went even further in urging this supposed danger. On page 6 of his report he declares:

General Goethals testified that in a mass of masonry as large as the proposed Boulder Dam stresses and strains heretofore unknown would probably develop. Boulder Canyon Dam may fail because of such stresses and strains. The location of the dam site has been said to be in an area in which earth tremors occur. In the southwestern desert I personally have seen cracks in the earth many feet wide, caused by seismic disturbances. Should there during the course of years be such a disturbance in Boulder Canyon the dam will fail.

First, let me point out that my friend from Arizona was in error in his reference to General Goethals's testimony. General Goethals was before the committee in support of the proposal of Mr. W. G. Clark, to build a rock-filled dam 1,155 feet above bedrock at Boulder Canyon. His reference to unknown stresses was in connection with this proposed colossal height of dam and not in connection with the 550-foot dam proposed in my bill. Furthermore, General Goethals distinctly stated that the site was suitable for a masonry or concrete dam of the height proposed by us for Boulder Canyon. His testimony is found at page 747 of the 1924 hearings, as follows:

Mr. HAYDEN. Are you convinced that the danger from earthquakes is so serious that a rigid masonry type of dam should not be adopted at that site?

General GOETHALS. No. As between the masonry dam and the concrete, or the filled dam, going to that height, I would rather put in a rock-filled dam; that is all.

Mr. HAYDEN. And any type of dam if properly constructed would be a safe dam at Boulder Canyon?

General GOETHALS. I think so.

It thus appears that General Goethals did not support the contention of the opponents that the dam might fail because of stresses and strains or that it might be destroyed by earthquakes.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. I will.

Mr. DOUGLAS of Arizona. Will not the gentleman state to the House that in speaking of earthquakes on the floor of the House I said that the dam could be designed to withstand earthquake shock, but that the dam as designed by the Reclamation Service for a maximum of 40 tons was not safe?

Mr. SWING. Whatever the gentleman says that he said I will agree to.

Mr. DOUGLAS of Arizona. Does not the gentleman think it should be said that the Sibert Board recommended the dam designed for a maximum stress of 30 tons per square foot?

Mr. SWING. I am talking about earthquakes. The gentleman led the House to believe that there was great danger from earthquake.

Speaking before this House in support of my bill, I asserted there was—

no evidence of earthquakes in the vicinity.



I said:

True, there have been found some old faults in the surface of the earth near Boulder Dam site, but all the evidence, according to Doctor Ransome, "indicate some measure of antiquity." There has not been, he says, any movement along these faults since civilized man inhabited North America.

Now, on this issue raised between my friend from Arizona and myself, what did the Sibert Board find the facts to be? They found that there was no danger whatever from earthquakes. In this they confirmed the positive views of Doctor Ransome contained in the Weymouth report.

The board of engineers reported:

In former geologic times this district was subjected repeatedly to volcanism and deformation. These events must have been accompanied by earthquakes. Such evidence as there is, both to be observed in the field and to be gathered from records, indicates that these geological activities ceased long ago and that the region has been virtually undisturbed for a very long time. The district is recognized as having comparative freedom from present-day earth movements.

The foundation is a volcanic breccia or tuff, originally an accumulation of fragments of many kinds derived from volcanic eruptions and now transformed into a well cemented, tough, durable mass of rock, standing with remarkably steep walls and resisting the attack of weather and erosion exceptionally well. The whole rock mass is essentially impervious.

The rock formation \* \* \* is satisfactory in every essential.

And again:

There is no doubt whatever but that the rock formations of this site are competent to carry safely the heavy load and abutment thrusts contemplated. It is well adapted to making a tight seal and for opposing water seepage and circulation under and around the ends of the dam. It insures \* \* \* so far as the rock is concerned, the general safety and permanence of the proposed structures.

I do not know what more could be said to more fully demolish the arguments of the opponents relative to the unsuitability of the site for a high dam. The board concludes with this final positive and all-embracing declaration:

The board is of the opinion that it is feasible from an engineering standpoint to build a dam across the Colorado River at Black Canyon that will safely impound water to an elevation of 550 feet above low water.

And—

A dam of 550 feet above low water, across the Colorado River at Black Canyon, impounding 26,000,000 acre-feet of water, will be adequate, in the opinion of the board, to so regulate the flow of the lower Colorado as to control ordinary floods, to improve the present navigation possibilities, and to store and deliver the available water for reclamation of public lands and for other beneficial uses within the United States.

#### ADDITIONAL FAVORABLE FINDING

The Sibert Board has cleared up a number of additional controversial questions which have clouded the main issue. They knocked into a cocked hat the bugabooed argument which has been bandied about for the past eight years about the quantity of salt in the reservoir which it was alleged would destroy the value of the water for irrigation and domestic purposes. The board finds that—

the actual salt content will not be increased to an injurious amount even in the beginning, and that in a comparatively short time \* \* \* the salt content of the river waters will be reduced to about the present amount.

Of course, the present waters are the domestic supply of more than 100,000 people and is the source of the fertility of the Imperial and Yuma Valleys.

The board also settles the controversy that the dam will not desilt the river below it. It was asserted by the gentleman from Arizona [Mr. DOUGLAS], and by the gentleman from Utah [Mr. LEATHERWOOD], that the reservoir would not desilt, and that that may be forever the water below would be so filled with silt that the benefits we have claimed for it, to wit, the removing of silt as a flood menace, because the silt now builds up the lower bed of the river and tends to make overflow possible, and if any quantity of silt is in the water it will make it bad for domestic uses.

Mr. DOUGLAS of Arizona. Will not the gentleman in fairness eliminate the word "forever" and say for a period of years?

Mr. SWING. The gentleman from Utah made the statement in his report—

the silt problem would not be solved for a period of many years, probably from 20 to 100, if indeed it is ever solved by this dam.

The silt problem is important, because, first, silt builds up the bed of the river in the lower basin and thereby adds directly to the flood menace. Silt also chokes up the channels, ditches, and laterals in all of the irrigation systems and makes the agricultural industry that much more difficult. Also any considerable quantity of silt in the water would of course depreciate its value for domestic uses.

However, the board makes a definite favorable finding upon this controversy. They say:

When the dam is built and clear water issues from the reservoir a new load of silt will be picked up along its course through these deposits. In the beginning this load is certain to be about as heavy as it is normally present. But, \* \* \* a tendency of silt stabilization will follow as the river becomes very deeply entrenched and develops a paved bed. As soon as this stage is reached \* \* \* silt conditions will have improved. This improvement is certain to continue with time \* \* \* we believe that marked improvement will be shown within the first 10 years.

With reference to the amount of silt that will flow into the reservoir the board again took an "ultraconservative" position. They assumed the maximum quantity of silt that has ever been estimated for that point on the river, to wit, 137,000 acre-feet per year. The Reclamation Service has estimated the silt content of the river for a great many years. The Imperial Irrigation Service also has carried on studies of the same subject for over 10 years. The estimates of the Reclamation Service and the Imperial Irrigation Service are that the silt content at the Boulder Dam will not exceed on the average 88,000 acre-feet of silt per year. But, even on the basis of the board's estimate, they find that it will take 190 years to fill the reservoir. If there are any additional reservoirs built upstream in the intervening time, of course each additional reservoir would divide the silt burden with the Boulder Dam.

#### BOARD'S FINDINGS FAVORABLE ON THE SUBJECT OF THE ALL-AMERICAN CANAL

The board makes a definite, positive, and affirmative finding, as follows:

Although it is clear that difficulties are presented by the drifting sands, it is the opinion of the board that it is feasible to construct, maintain, and successfully operate the canal. The overcoming of these difficulties will affect the cost, which has been allowed for in the estimates. The board believes that the canal should be lined with concrete throughout the sand-dune region and should be given a slope sufficient to carry the inflowing sand to a suitable place for deposit and removal.

For this change the board adds \$7,500,000 to the original estimated cost of the canal of \$31,000,000. However, the board evidently overlooked the study of this same problem in the report of the all-American canal board, which went into the matter very thoroughly and in great detail several years ago. The board designed and estimated a concrete-lined canal throughout the sand-dune region and found that when this was done it would permit of a smaller cross section of the canal and that the cost in either instance would be about the same. The all-American canal board reported that the excavation of about 6,000,000 cubic yards would be saved by this construction, but the saving in cost from this reduction in yardage would be about offset by the cost of the concrete lining.

#### SUGGESTED CHANGES IN ENGINEERING PLANS

The opponents of this project hail the suggestion of the Sibert Board for certain changes in the Weymouth engineering plans as proof of their contention that there had been inadequate engineering to warrant Congress authorizing the project.

It was never contended that the Weymouth report constituted working plans and specifications on which a contract could be instantly let. His report was just what it purported to be, a report on a proposed project regarding its feasibility, practicability, and an estimate of its cost. Mr. Weymouth himself stated in the report that further studies would be necessary, which would no doubt suggest changes and improvements in the proposed plans. My bill, by an amendment inserted by myself, provided that before the work authorized should be undertaken the proposal should be reviewed by a board of eminent engineers. This is what the Secretary of the Interior would have done, anyway. This is exactly what he did in the case of the San Carlos or Coolidge Dam. It is his practice in the case of all important dams. It has never been the practice, however, that working plans and specifications should be prepared in advance of an authorization by Congress. What I said on this point to the House when my bill was under discussion was that—

the Weymouth report \* \* \* is the most complete and exhaustive study ever made of any project in advance of its authorization by Congress. Certainly the engineering data is more complete than that for the Mississippi flood works recently authorized.

I stand on that statement to-day, and do not feel that there is any occasion to apologize for what I said regarding the Weymouth report.

It should be noted that the Sibert Board does not criticize the Weymouth plans for the Boulder Dam. Nowhere did they say that a dam such as he proposed could not be built or would be unsafe after it was built. What they did say is that in order to be conservative, yea, "ultraconservative"—that is their word—the foundations should be lengthened and additions made to the amount of cement put into the structure. This, of course, adds substantially to the cost of the work.

The board also suggests providing by-pass tunnels for the diversion of the water, with a capacity of 200,000 cubic feet per second instead of the 100,000 feet proposed in the Weymouth report. This adds \$7,500,000 to the estimate.

And, again, to be "ultraconservative" the board suggests a higher unit price for all the work at the dam above the estimate determined by the Reclamation Service, based on actual bids for similar kinds of work.

I do not mean to criticize the action of the board of engineers. I, myself, desire the dam to be made as strong and safe as possible. Whether or not these additions are necessary to insure safety is a matter for the engineers to determine. There will, of course, have to be further studies, because there are not, even now, working plans and specifications on which a contract can be let. The final study will determine how much of this board's recommendations ought to be adopted.

In this connection, I quote A. P. Davis, former president of the American Society of Engineers, and former Chief Engineer and Director of the Reclamation Service, on the question of methods of construction to be used at Boulder Dam, and probable unit prices. He says:

The details of the suggested methods for diverting the river and unwatering the dam site are given in far greater detail in the Weymouth report than is usual in such reports. They were never intended as final, nor as more than suggestive of a basis for judging the feasibility and estimating the cost of such diversion. That is a problem ordinarily solved by the construction engineer or contractor who undertakes the work. Such temporary works usually involve some financial hazard, and the unit estimates are made high enough to cover the contingency of ill fortune. This was the program suggested in the Weymouth report.

If it be decided to increase the size of the tunnels and their number sufficiently to eliminate this risk the large allowance for contingencies to cover that risk becomes unnecessary. The heavy expenditure becomes certain instead of an improbable contingency. In this case, if the cost and number of diversion tunnels be increased, as recommended by the board, then the unit prices for the dam proper should be decreased accordingly.

The estimates of the Weymouth report are \$7 per cubic yard for concrete. Six bids on the San Gabriel Dam, also a large concrete structure, awarded in November, 1928, showed prices of mass concrete, including everything except cement, ranging from \$2.19 to \$2.60 per cubic yard, averaging \$2.365 per cubic yard. Adding the cost of cement will leave the total cost less than \$5 per cubic yard for the concrete.

The Pardee Dam, a large gravity dam now under construction in the canyon of Mokelumne River, is being built at a cost of \$5.85 per cubic yard, including everything.

It is reasonable to estimate that the concrete in Boulder Dam can be placed for about \$6 per cubic yard, or less, if river control is separately provided for. This will largely offset the cost of the extra diversion works, recommended by the board.

Mr. COOPER of Wisconsin. Is that the Sibert Board?

Mr. SWING. The Sibert Board.

Permit me, also, to quote the comment of Mr. F. E. Weymouth, who is generally admitted to be the best construction engineer the Government ever had, and who built under the cost estimates, what was at the time, the highest dam in the world, the Arrowrock Dam. Regarding the changes in plans for the diversion of water while putting in the foundation, he says:

Many factors should be considered before making any definite decision regarding the type and size of the diversion works, such as the size and frequency of floods, the time required to unwater, excavate, and prepare the foundations, and the time required to build with concrete the permanent upper and lower cofferdams. The expenditures justified for the diversion works must be determined after careful consideration of the above factors. If there is a real probability of being able to unwater, excavate, and prepare the foundations and put in the upper and lower permanent cofferdams between floods, there is no justification for spending money for diversion works that will carry all yearly floods the highest of which occur each June and July. I contend that there is ample time to put in the above between floods and therefore believe there is no justification for building temporary diversion works to carry 200,000 second-feet as recommended by the board.

I believe that it is advisable to be conservative in this matter. I therefore suggested to the board on November 6, 1928, that it would be

well to provide for temporary diversion works for 150,000 second-feet, but not more. The reason for not going above 150,000 second-feet is due to the fact that only two floods have exceeded that amount since records have been kept on the river.

In connection with this last statement, permit me to add that those two floods both happened in the year 1920. As to the increase in cost estimates, Mr. Weymouth says:

There would be some extra costs due to the increased diversion suggested, but this extra cost would be more than offset by the saving in the improvement in dam design that can be made and in the cost of placing the concrete in the dam. In my 1924 report \$7 was allowed per cubic yard for concrete. This cost can easily be cut to \$6 per cubic yard. Recent contracts made by the United States Bureau of Reclamation for the Owyhee Dam and by the county of Los Angeles for the San Gabriel Dam and by others justify the above statements.

#### ENGINEERING BOARD RECOMMENDS REDUCTION OF PRESSURE PER SQUARE FOOT BELOW PRESENT PRACTICE

The Sibert Board recommends that pressures be reduced in the proposed dam from 40 tons per square foot, as designed, to 30 tons, because the board seems to be of the opinion that 30 tons is as high a pressure as is allowable in the best practice. This opinion is not supported by recent engineering work in dam design, as shown by the following list:

List of pressures on foundations of dams designed or in service

Dam	Type	Material	Height	Pressure in tons
San Gabriel, Calif. <sup>1</sup>	Curved gravity	Concrete	492.5	40.8
Owyhee, Oreg. <sup>1</sup>	do.	do.	405	44.0
Arrowrock, Idaho	do.	Rubble concrete	351	38.4
Exchequer, Calif.	do.	Concrete	325	38.2
Horse Mesa, Ariz.	Constant angle arch.	do.	305	46.8
Roosevelt, Ariz.	Curved gravity	Masonry	260	34.9
Coolidge, Ariz.	Multiple dome	Concrete	250	42.3
Pardee, Calif. <sup>1</sup>	Curved gravity	do.	357	40.0
Melones, Calif.	do.	do.	210	37.8
Calles, Mexico	Constant single arch.	do.	218	52.0
Big Bear Valley, Calif.	Arch	Masonry	61	60.1
Stevenson Creek, Calif.	do.	Concrete	60	72.5

<sup>1</sup> Under construction.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. SWING. Please let me finish.

Mr. DOUGLAS of Arizona. The gentleman is repudiating the Sibert report.

Mr. SWING. I can not yield.

The designs for the Exchequer, 38.2 tons; Melones, 37.8; Pardee, 40; and the San Gabriel, 40.8, have been approved by the Federal Power Commission.

The Arrowrock Dam in Idaho was completed in 1915, and the reservoir has been filled every year since that date. The list shows that the practice during the past 15 years is to design high dams for pressures of 40 tons or more. None of them have shown any damage from such pressures.

The design of the Arrowrock, Owyhee, Exchequer, and Coolidge Dams was approved by Mr. A. J. Wiley, recognized by the engineering profession as being the foremost authority on high-dam designs in the world to-day. He has recently returned from India, where he went to advise British engineers on the design of dams over 500 feet high.

The San Gabriel Dam, now under construction near the city of Los Angeles, above a densely populated area, will be the highest dam in the world when finished—492.5 feet—and requires more concrete than the proposed Black Canyon Dam.

That dam has been designed with a pressure on the foundation of 40.8 tons. This design was approved by J. B. Lippincott and D. C. Henry, both of them engineers of international as well as national reputation in connection with dam design.

It is true that there has been a progressive increase in recent years in the pressures allowed in the concrete foundations of important structures, but this has not been due to a corresponding reduction in safety requirements. It is due mainly to improvements in quality and strength of concrete made possible by progress in scientific knowledge, and consequent improvements in methods and materials of manufacture. Due to finer grinding, greater uniformity, and other improvements, the quality of cement has gradually improved in the past 20 years. Due to extensive researches by Abrams and others in proportions and methods of mixing, and especially in the quantity of water used, much stronger concrete can be made with given materials than was the practice 10 years ago. Mathematical researches of Cain and others have made computed stresses more certain.



All this progress has been fruitful of results in rendering possible the construction of large works both safer and cheaper than formerly. This accounts for the recent increases in pressures allowed by the most experienced designers of high masonry dams, as shown in the preceding table.

This action is abundantly justified by current tests made during the progress of the work. For example, the concrete placed in the Pardee Dam, now under construction, shows crushing tests on 8-inch cylinders averaging over 180 tons per square foot. In larger masses its resistance would be much higher.

Should it finally be decided to build the dam with only 30 tons pressure on the foundation, as recommended by the board, instead of 40 tons as recommended in the Weymouth report, although 40 tons is well within modern practice, as shown by the many dams now in use with a greater pressure than 40 tons, the cost of the extra concrete and extra excavation could not exceed \$7,000,000.

The extra tunnels recommended by the board to increase the diversion capacity from 100,000 second-feet to 200,000 second-feet could not cost more than \$7,000,000, making an extra cost of \$14,000,000 for these two features. If this extra cost is added to the \$41,500,000 in the Weymouth estimate for the dam, an amount that Lynn Atkinson guarantees to build the dam for, the total cost of the dam would then be \$55,500,000, instead of the \$70,600,000 given in the board report.

At this point permit me to read the telegram of Mr. Lynn Atkinson:

GLOBE, ARIZ., December 4, 1928.

Hon. HIRAM JOHNSON,

United States Senator, Washington, D. C.:

Anticipating early passage of Boulder Dam legislation and construction, myself and associates have carefully studied details of Weymouth report and plans, data, and estimates of cost relating to Boulder Canyon Dam construction. Our independent analysis of the cost of constructing of Boulder Dam indicates that the engineers' estimate of cost as set forth in Weymouth report is adequate, and I assure you that myself and associates are prepared to submit a bid and enter into a firm contract covering the construction of the Boulder Canyon Dam as designed and specified in Weymouth report for less than the engineers' estimate as set forth therein. Due to probability of our bidding against other construction companies for this work, it is evident that we would not be justified in revealing our net estimate of cost at this time, and I simply say to you that the engineers' estimate is adequate and that we are prepared to submit a guaranteed bid for this construction work when bids are requested for less than the estimates set forth in the Weymouth report. Boulder Canyon Dam is a rather large project, but not particularly difficult, as gravity dams represent simply mass construction. Weymouth estimate was made several years ago, when prices were higher and labor efficiency lower. Construction methods have been improved upon since Weymouth's estimate was made, and we are constantly lowering our costs by improved methods. We would not adopt exactly the construction methods outlined in Weymouth's report, but our methods of equipment and operation and river control would result in lower costs. Myself and associates are just completing two of the largest dams, and we are thoroughly familiar with costs in both Arizona and California, where we have operated for years.

We are just completing construction of Coolidge Dam for United States Government. This contract was awarded to us less than the engineers' estimate against eight other bidders. Coolidge Dam is located on Gila River in desert locality in southeastern Arizona at a point where floods of over 90,000 second-feet have occurred. Gila River is very comparable to Colorado. We have handled river-control situation here without difficulty and completed contract considerably in advance of contract requirement established by Government engineers. We are also completing largest gravity dam built to date for city of Oakland in northern California on Mokelumne River, almost 400 feet high, known as Pardee or Lancha Plana Dam. Our bid for this work was considerably under engineers' estimate, and I secured contract against four other bidders; and we will complete Pardee Dam in less than two years, as compared with engineers' estimate and contract requirement of five years or over three years ahead of time. No difficulty with river control in spite of fact that we completed foundation work during winter flood season to expedite construction against maximum flow of over 30,000 second-feet. Satisfactory profit being made on this work. Our bids on this work were guaranteed by cash and our contracts guaranteed by corporate surety bond guaranteeing our undertakings to full value of contract price. We perform only public-works contracts and anticipate furnishing 100 per cent bonds to guarantee all of our undertakings as required by law. Working conditions in Arizona are not difficult and we are paying same wages in Arizona as in California, and in some instances less. Coolidge Dam is second dam I have built in Arizona and we are familiar with working conditions.

I recently bid on \$25,000,000 San Gabriel Dam in California and was low bidder on two alternates although fourth bidder on basis on which job was awarded. Competition on San Gabriel contract on which six

bids were received would indicate other firms are figuring lower costs than we do. As a piece of construction Boulder Canyon Dam presents no particularly difficult phases. Engineers' estimate of time of construction is ample. Believe we could build it in less than five years. Should not require over two years to complete foundation work and river control and pouring of concrete in superstructure would require less than two years to complete. We have poured over 60,000 yards of concrete per month in Pardee Dam with relatively small equipment and the plant we have designed for Boulder would be capable of placing over 200,000 yards of concrete per month. Telegram was received by me at Coolidge Dam site in Arizona and full details not at hand, but can advise further upon request.

LYNN ATKINSON,  
Coolidge Dam Site.

It is believed that the board's estimate for the power plant and all-American canal is too high in about the same proportion.

#### COST OF POWER

It was asserted last session that recent improvements in steam turbine and other generating machinery have so reduced the cost of steam power when generated by large units as to make it lower than the estimated cost of hydroelectric power produced by the proposed Boulder Canyon Dam. These claims have been urged partly on the ground of low fuel costs in southern California where oil is abundant. Recent investigations, however, have disproved this claim.

In the Electrical World for October 27, 1928, is given the results of detailed investigations into 16 of the largest modern steam plants in the country. The following table—Table 1—condensed from the Electrical World, shows the total cost per kilowatt-hour of power generated in each of these 16 stations, from which it will be seen that the average cost in practice is 0.853 cent per kilowatt-hour, which is nearly double the cost of delivering the electric current from Boulder Canyon Dam to the cities of southwestern California. Even the cheapest of these shown in the table is substantially higher than the cost of Boulder Canyon power. The first plant in the list is the one that would be most directly in competition with Boulder Canyon power, and shows a cost nearly three times as great as the estimated cost of that power delivered to the same metropolis:

Summary of cost data on representative power stations

Capacity, kilowatt amperes	Number of gener- ators	Dollars per kilovolt ampere			Cents per kilowatt- hour		Total
		Station	Building	Equip- ment	Fixed charge	Total production	
+100,000	3	100	27	71	0.89	0.38	1.27
-50,000	1	128	25	71	.366	.382	.748
-100,000	2	85			.146	.366	.512
-100,000	2	142	39	101	.476	.275	.751
+100,000	3	132	21	71	.424	.227	.651
-100,000	2	130	38	90	.592	.421	1.013
+250,000	4	127	52	71	.436	.478	.914
+200,000	5	121			.613	.343	.956
+300,000	5	81		55	.431	.319	.750
+300,000	2	115	43	70	.458	.216	.674
-50,000	1	106.50	26	63	.576	.35	.926
-50,000	2					.417	
-100,000	2	81	19	46	.341	.337	.678
+50,000	2	110	22	53	.52	.37	.89
-100,000	3	112	30	80	.768	.546	1.314
+100,000	2	144	56	59	.442	.310	.752

Average cost per kilowatt-hour, 0.853 cent.

In this connection permit me to read a telegram from Lester S. Ready, one of the leading authorities on the Pacific coast, on this subject:

The value of electric power in southern California, determined by the cost of power from other sources, particularly steam power, would equal \$8,265,000, for 3,600,000,000 kilowatt-hours of annual production, at 55 per cent load factor at Boulder Canyon switchboard, of proposed 1,000,000 horsepower plant. Based on the Colorado River board estimate, with interest during construction, approximating \$122,000,000 for dam and power plant, the total annual cost for interest, amortization, operation, and depreciation, would equal approximately \$7,255,000, assuming amortization during 41 years. This shows leeway of approximately \$1,000,000 annually during amortization period, and nine years prior to the amortization period, for power absorption, which estimates show could be accomplished in approximately four years, by retarding other power developments in anticipation of Boulder power. The revenue from water for domestic purposes would add to the \$1,000,000 leeway. Future possible and probably increase in price of fuel oil over \$1 per barrel, considered herein, would further increase the leeway in the future. It should be noted, also, that hydroelectric power plant

installation costs on Pacific slope is thoroughly well established, and show previous estimate of \$31,500,000, without interest during construction, ample for power plant and that increasing this to \$38,000,000 appears entirely unnecessary.

LESTER S. READY,  
Consulting Engineer for State Railroad Commission,  
formerly Chief Engineer of State Railroad Commission.

Referring to Mr. Ready's telegram in reference to Black Canyon power:

The \$8,265,000 mentioned is the value of power on the switch-board of the Black Canyon Power Plant—that is, the value of the 3,600,000,000 kilowatt-hours at 2.3 mills. This power is worth around 4.3 mills in Los Angeles. The cost of transmitting the power from Black Canyon to Los Angeles has been deducted from the value at Los Angeles. The price of 2.3 mills is very low. It is very conservative. The Reclamation Service had assumed a price of 3 mills.

The \$122,000,000 capital charge is made up as follows:

Cost of dam and reservoir.....	\$70, 600, 000
Cost of power plant.....	38, 200, 000
Interest on the two above items during construction.....	13, 200, 000

Total.....	122, 000, 000
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The cost of producing power, based on the engineer board's estimate, would be approximately \$7,250,000. This amount is arrived at as follows:

4 per cent interest on \$122,000,000 capital cost equals.....	\$4, 880, 000
1 per cent amortization on the whole investment of \$122,000,000.....	1, 220, 000
Operation and maintenance.....	700, 000
Depreciation on the power plant, costing \$31,500,000, at 1 per cent.....	315, 000

Total.....	7, 115, 000
Mr. Ready seems to have added for good measure.....	135, 000

Mr. Ready's total.....	7, 250, 000
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Mr. Ready assumes that a period of nine years will accrue before all the power can be sold. This is very conservative. Other well-informed authorities estimate that all the power can be absorbed in five years at the most.

There is a difference of over \$1,000,000 in the cost of production, namely, \$7,250,000, and the sale value of the power, namely, \$8,265,000, which makes the whole proposition very conservative. Also there will be some additional annual increase from the sale of domestic water.

Mr. Ready is of the opinion that the board estimate of \$38,200,000 for the power plant is too high and that the Weymouth estimate of \$31,500,000 is sufficient.

But even if the dam and power plant cost all that the board has estimated, both will be paid for in 41 years with power sold at 2.3 mills.

#### WATER SUPPLY IS UNDERESTIMATED BY BOARD

The board has expressed the opinion that "the results of Yuma gaugings are at least 10 per cent too high." No reason is given for this opinion except that the methods used in gauging in the early part of the record are less accurate than those later developed and now in use on the Colorado. Some of the improvements in methods of measurement tend to secure larger discharge, but some tend to secure smaller.

The tendency in general is for the errors of the early measurements in the long run to balance each other. The recent methods employed at Lees Ferry and Yuma, since 1921, together with a comparison of the Yuma record of former years with Lees Ferry discharges estimated—in the absence of actual measurements at that point—from upstream gauging stations, indicate that in general the results formerly obtained at Yuma are not too high. In a few years of extremely high discharge they appear somewhat high, and in years of extremely low discharge, too low. If this indication is a correct guide—and it is the best we have—the water conditions are more favorable to power development than those used by the Reclamation Service in the Weymouth report; just the reverse of the conclusions of the Sibert Board.

The board apprehends a cycle of lower flow of the Colorado River than that represented by the 26-year record now available, although this record includes two low stages of the river which are the lowest ever known.

In the spirit of extreme conservatism that is manifest throughout the report, the board concludes that the flow at Black Canyon under the present development is as follows:

	Acres-feet
Average low flow for a period of 15–20 years.....	10, 000, 000
Average high flow for a similar period.....	14, 500, 000
Average of high and low periods.....	12, 250, 000

This average added to the amount now consumed for irrigation in the upper basin, increases it to 15,000,000 acre-feet, the amount apportioned by the Colorado River compact—so that this is not affected.

Even this extreme conclusion, which is about 25 per cent lower than the indications of 26 years' measurement, does not impair the power output, estimated at 550,000 continuous horsepower, which requires only an average of less than 10,000,000 acre-feet of water, which is the average the board adopts for its mythical "low period."

On page 10 of the printed report the Sibert Board marshals the testimony on which it bases its pessimistic conclusions regarding water supply. This consists of nine estimates and averages in and near the basin. Every one of these nine comparisons indicates that the period from 1900 to 1905 was the driest ever known. This period was included in the table, No. 6, on page 5, of Senate Document No. 142, on which the plans for Boulder Dam were based, and so far as this evidence indicates anything it indicates that the period used by the Weymouth report was low and that more abundant supplies may be expected for the future. This is the opinion of such men as Davis, Weymouth, Debler, and others who have given years to the study of the water supply of the Colorado River.

The board, however, in addition to its extreme assumptions of low water, adds another assumption by concluding that rapid irrigation development is to be expected in the upper basin.

This expectation is unwarranted, because the physical and economic conditions are unfavorable for a rapid development in the upper basin. This fact is frankly recognized by people of the upper States, and was the chief reason for their desire to have a compact for the division of water, to protect their water rights for the future, instead of depending on the establishment of their rights by beneficial use, which is sure to be slow.

The board appears to have entirely overlooked the fact that the conditions of extreme drought they have assumed as possible would cause an acute shortage of water in the irrigated upper valleys now developed, and to be developed (the supplies of which are predicated on the records of the past 40 years), and in case of the hypothetical drought more severe and prolonged than any heretofore known, the tributary streams could not possibly furnish for irrigation the amount of water they furnish in normal years, and the subtraction from the flow of the river would be much less than assumed by the board. The shortage would thus be distributed throughout the basin, instead of being concentrated in the lower basin as assumed by the board.

Former Director of the Reclamation Service, Mr. A. P. Davis, believes that even on the extreme conditions of drought assumed by the board, there would be considerable surplus water at all times above that necessary for 550,000 horsepower, and even assuming the coincidence of the hypothetical drought with upstream development, there would be no power shortage, and at all other times there would be large surplus of water.

It should be remembered that the greater the probability of extreme and prolonged drought the greater is the need of a large reservoir capacity to hold the floods of abundant years for use during the drought.

It is interesting to compare the findings of the Sibert Board of Engineers with the findings of another body, the Colorado River Commission, presided over by Herbert Hoover.

The Sibert Board was appointed primarily for the purpose of passing upon engineering plans and were concerned with the quantity of water involved only as an incident to the question of the economic soundness of the project. On the other hand, the Hoover commission was appointed for the express purpose of ascertaining the amount of water which the river produced, because their purpose was to divide the water, and before they could divide it they had to ascertain how much there was to divide. The Hoover commission was made up of the leading water authorities of the seven Colorado River Basin States. They spent a much longer time in their investigations than did the Sibert Board, and the conclusions the Hoover commission arrived at, as expressed by him, were set forth in the House hearings in 1923. Mr. Hoover there said:

The unapportioned surplus is estimated at from 4,000,000 to 6,000,000 acre-feet, but may be taken as approximately 5,000,000 acre-feet.

This shows that the "ultraconservative" findings of the Sibert Board will in all probability never be realized.

The board throughout its report adheres radically to its announced policy of being conservative, even to the extent of being "ultraconservative." I do not criticize this, but I believe Congress should appreciate the rather extreme limits to which the board has gone in order to be ultraconservative.

The board assumes for construction purposes there will be in the next few years the highest water in the river of which we have any record, and yet for revenue purposes the board assumes that we are now entering a cycle of extremely dry years. The board estimates the run-off of the river in the past



26 years at less than what the actual records show it to be, and then in discussing the possible power output assume the future will be less productive of water than what they say has been in the river during the past 26 years. They assume further that there will be "relatively rapid development" in the upper-basin States, and not only that the upper-basin States will use their allotted share" but, more, that the upper States may even violate the terms of the Colorado River compact in the quantity of water abstracted from the river. I have already pointed out that the board adds to the cost and quantity of tunnels for by-passing water during construction and adds to the quantity and unit price of cement, and yet in the face of it all they find with certain modifications of the financial plan that the dam and power plant will pay for itself within the time limit named in the bill.

The board has estimated the cost at \$165,000,000, but that does not necessarily mean that it will actually cost that amount.

However, it has been deemed advisable to amend the bill to cover the board's figure, and that has been done in the Senate.

But, if we assume that the price of \$165,000,000 for the dam and power plant is what these structures are to cost, how does this compare with the earnest assertions of the opponents of the project last session?

I find that the gentleman from Arizona, on page 32 of his report, told the House—

that at the expiration of 50 years the Federal Government will have in the Boulder Canyon project a net investment of \$322,585,644.

But as his report proceeds his figures mount because, on page 37 of his report, he says:

Even if the cost of this project be correct the Federal Government can not be reimbursed for its expenditures. \* \* \* The Federal Government at the expiration of the 50 years of amortization will have upon its hands instead of an amortized project one in which the total net investment will have amounted to over one-half billion dollars.

This is as far removed from the figure of \$165,000,000 declared by the board to be ultraconservative as the sun is from the moon.

If, however, on final review it is determined by the engineers in charge of the actual construction that 150,000 cubic second-foot capacity for tunnels would be a reasonable provision for the diversion of water during the construction of the foundation, and if it should be found that 35 tons pressure per square foot is safe conservative practice, then the suggested increase of \$40,000,000 to the cost of the project will have by those two items alone been cut into half. Further, if the unit price of the cost of production is taken to be that which is being actually bid and contracted for to-day instead of the ultraconservative high unit price assumed by the board, then the remaining 20,000,000 addition will again be cut approximately in two.

But if, as has been suggested by the Sibert Board, the cost of the all-American canal is charged wholly and directly against the lands benefited and this provision has already been made by amendment in the Senate, then, even assuming the Sibert Board estimate of the cost of dam and power plants, still the project will pay out well within the time limit named in the bill, as was shown by the Ready analysis of the board's figures.

Under our bill the communities interested in the Southwest will put up contracts for \$165,000,000, if it costs that much, and every dollar of it will be paid back to the United States. [Applause.]

To show that the Reclamation Service estimates on dam construction have been reliable, I insert the following table.

#### ESTIMATES OF COST

The following table gives the actual costs and estimates of cost made by the Reclamation Service for all the dams built by that service over 50 feet high:

*Estimated and actual costs for all Bureau of Reclamation dams 50 feet or more in height*

Dam	Project	Maximum height (feet)	Estimated cost	Actual cost
Owyhee	Owyhee	405	\$5,243,000	\$4,947,716
Arrowrock <sup>1</sup>	Boise	349	6,250,000	4,327,710
Shoshone	Shoshone	328	1,021,000	1,439,135
Elephant Butte <sup>2</sup>	Rio Grande	306	5,000,000	5,004,216
Roosevelt	Salt River	280	3,750,000	3,890,187
Tieton <sup>3</sup>	Yakima	222	4,020,000	3,756,256
Pathfinder <sup>4</sup>	North Platte	218	\$1,000,000	1,794,366

<sup>1</sup> Based on contract prices—construction recently started.

<sup>2</sup> Dam and reservoir.

<sup>3</sup> Estimate was for dam raising water surface 190 feet; after construction began, plans were changed and dam built for 220-foot raise of water surface.

<sup>4</sup> No detailed estimate found, but early board reports show \$1,000,000 allowed for Pathfinder Reservoir.

<sup>5</sup> Increase partly due to the building of an additional outlet tunnel, and changes made in north tunnel, both together amounting to \$641,000.

*Estimated and actual costs for all Bureau of Reclamation dams 50 feet or more in height—Continued*

Dam	Project	Maximum height (feet)	Estimated cost	Actual cost
Black Canyon	Boise	183	1,800,000	1,243,889
Gibson	Sun River	179	\$1,826,000	\$1,566,240
McKay	Umatilla	160	2,500,000	2,116,828
East Park	Orland	139	198,000	196,120
Sun River Diver	Sun River	132	145,000	149,366
Hubbart	Flathead	131	308,000	362,653
Echo	Salt Lake Basin	130	\$1,395,000	\$1,125,098
Lahontan	Newlands	124	1,425,000	1,324,782
Belle Fourche	Belle Fourche	122	1,040,000	\$1,259,515
Stony Gorge	Orland	120	\$610,000	\$518,904
Guernsey	North Platte	100	1,780,000	1,700,351
Cold Springs	Umatilla	98	358,000	\$443,665
Minidoka	Minidoka	86	430,000	\$509,683
Gerber	Klamath	85	\$341,000	\$336,241
Clear Creek	Yakima	84	108,000	\$136,187
Sherburne Lakes	Milk River	83	400,000	\$359,683
American Falls <sup>5</sup>	Minidoka	78	8,500,000	7,300,000
Willow Creek	Sun River	73	—	(15)
Strawberry	Strawberry	72	262,000	271,724
Upper Deer Flat	Boise	70	329,000	325,675
Heechelus	Yakima	70	\$1,337,000	\$1,892,778
Willwood	Shoshone	70	362,000	352,948
Jackson Lake <sup>16</sup>	Minidoka	67	800,000	782,046
Conconully	Okanogan	67	254,000	\$283,175
Easton <sup>18</sup>	Yakima	65	\$271,000	\$231,947
Minatare	North Platte	63	590,000	522,538
Kachess <sup>1</sup>	Yakima	63	712,000	661,000
Lake McDonald	Flathead	57	242,000	234,085
McMillan	Carlsbad	55	—	(19)
Ralston	Shoshone	50	—	(20)
Avalon	Carlsbad	50	162,000	\$135,989
Total, 38			55,378,000	51,782,696

<sup>1</sup> Dam and reservoir.

<sup>2</sup> Estimate was for dam raising water surface 190 feet; after construction began, plans were changed and dam built for 220-foot raise of water surface.

<sup>3</sup> Dam now under construction. Figures represent engineer's estimate of cost of principal construction. Do not include gates, cement, or other accessories and materials furnished by the United States.

<sup>4</sup> Contract price.

<sup>5</sup> Failure of contractors delayed work two years, and this, together with additional construction of a gravel berm and installation of auxiliary valves, increased the estimated cost.

<sup>6</sup> Original estimate did not include item for general expense, amounting to \$55,600.

<sup>7</sup> Subsequent improvements, not included in original plans, have brought the cost up to \$625,841.

<sup>8</sup> Change in location of dam due to conditions revealed after construction began occasioned increase in excavation and concrete quantities.

<sup>9</sup> Dam only, exclusive of outlet works and spillway.

<sup>10</sup> Actual cost of present structure, \$235,537. Original estimate, \$536,000, but this was for a dam 40 feet higher than was finally constructed. No estimate found for lower dam.

<sup>11</sup> Modified by board report of Dec. 16, 1913, to \$1,337,000.

<sup>12</sup> Difficulty of obtaining suitable material increased cost by \$240,000. Other changes which greatly increased the original estimate were rip-rapping, inclusion of concrete cut-off wall, changes in tunnel scheme, increased excavation for spillway and heavier concrete lining, additional road construction and clearing and logging reservoir—the latter item alone costing \$290,000.

<sup>13</sup> Enlargement of existing reservoir.

<sup>14</sup> Beginning of construction disclosed unsatisfactory foundation conditions and dam was relocated 3,300 feet upstream, involving increase in volume and extensive changes in plans for outlet work and spillway. Subsequent enlargement brings total cost to \$324,734.

<sup>15</sup> Including section of main canal just below dam.

<sup>16</sup> Dam purchased from Pecos Irrigation Co., repaired and enlarged; no estimates found.

<sup>17</sup> Dam was part of Garland Division canal system and no separate estimate for the dam appears to have been made.

<sup>18</sup> Increase due to use of concrete core wall instead of sheet piling, two new tunnels to increase spillway capacity, and an additional spillway of reinforced concrete. These changes cost over \$100,000.

This table shows that on an average these structures have been built substantially cheaper than the estimated cost. Particulars are given in the footnotes.

It should be remembered that always the estimates preceded the construction, and in most cases this interval was several years. Also that estimates were necessarily based on experience of previous years, so that the construction always followed from 5 to 10 years after the experience on which estimates were based. Any change in prices in this interval would influence the ratio of estimate and cost.

The trend of prices from 1896 to 1926, the period involved in the operations covered by the table, was decidedly upward, the prices for 1926 being more than double those for 1896. This general rise of prices sometimes involves costs far above those of previous years on which estimates were necessarily based, and this largely accounts for the cases in which the costs exceeded the estimates. The fact that in general and on the average they did not shows that as a rule such estimates were liberal.

#### THE "VESTRIS" DISASTER AND THE SHIPPING LAWS

The SPEAKER pro tempore. Under the order of the House the gentleman from New York [Mr. LaGUARDIA] will be recognized for 40 minutes.

Mr. LaGUARDIA. Mr. Speaker and gentlemen and ladies of the House, it is my purpose this morning to talk about our shipping laws. I want to call attention to the confused, antiquated, obsolete, and ineffective laws that govern our Steamboat Inspection Service and the laws under which the Government of the United States derives its jurisdiction and power to inspect steamers and protect the safety of passengers at sea. I will also touch on the question of the limitation of liability of shipowners granted to them under an archaic law which should have no place in our statutes. Unfortunately, it requires a great disaster, the loss of many lives, or a tragedy of some sort, to arouse public opinion and perhaps even to move legislators into a study of the situation and the need of reform. At any rate, we should at least profit by the experience of the past and as some unforeseen tragedy or disaster happens, see to it if it can in any way be prevented in the future. Members will remember the sinking of the *Titanic* with the loss of over a thousand lives.

Many will remember that following several investigations, some legislation, and changes in ship inspection, regulations followed. I am sure that disaster also spurred naval architects to study and bring about structural changes in the building of big ships. The steamer *Eastland*, which sank right at the dock in Chicago, was another instance which brought home the necessity of bringing our Steamboat Inspection Service up to date. In that case the service did change or improve its work and revise its regulations, and although many recommendations were made to Congress very little of anything was done in the way of enacting necessary legislation.

Now we come to the last tragedy of the sea, the sinking of the British steamer *Vestris*. No accident at sea has ever been more shocking. Not a child was saved. Large percentage of the women passengers were lost. The percentage of the crew who were saved is out of all proportions of the percentage of the passengers saved. From the information that we have to-day obtained from witnesses, some of them officers of the ship, I believe it is universally agreed, that the handling of the ship and the seamanship displayed was far short of even an average standing. It is not my purpose to-day to go into detail concerning the sinking of the *Vestris*. It is not my purpose to fix the blame. That is not our function. It is my purpose to take the *Vestris* as a ship, her rights under the law, the inspection to which she was submitted, and the laws under which such inspections were made as an example to show the necessity of a complete revision of our laws on this subject. Not only the necessity of the revision of the law but the necessity of prompt action, prompt action as soon as a thorough study of this involved and technical subject will permit.

The *Vestris* was an old-type ship with a very low factor of safety. Although it might have been known that she was not a safe ship, I do not believe that under the existing law it would have been possible for United States officials to prevent her in engaging in the passenger trade. It is apparent that the ship lacked stability. A great deal has been said on the question of stability of late, and I find that the term is very often misunderstood. The matter of stability in a ship is fundamental in considering her safety. In fact, the entire consideration in the building of the hull is given to the principal point of stability. For this purpose I have brought here a model of a "one-compartment" ship similar in general construction to the *Vestris*. I have here the plans of the last type, I might say of the best type, of safe passenger steamers, the steamship *Malolo*. Just what is meant by "one compartment" I will take up in a minute.

To return to stability. The stability of a ship is not what is generally believed by a passenger. It does not mean that a ship with the greatest stability is the ship that rolls the least. Stability simply means the ability of a ship to right itself whenever she does roll or is listed to one or the other side. To take a simple illustration, a canoe has very little stability. While it glides along smoothly and rolls very little, once that a wave puts it over to one side or she rolls over she capsizes very easily. A raft has great stability. It is difficult to push it over, and if in choppy weather it will roll most uncomfortably but always comes back to an even keel. Now gentlemen, here is what is known as the keel of the ship [indicating]. This deck on the model [indicating] in this particular ship is the main or strength deck. The keel and the strength deck are the two principal units of a ship. They may be compared to the foundation and keystone of an arch building.

Stability is obtained by proper and correct proportions of the draft [indicating] which, as you know, is the portion of the ship under the water line, and the beam [indicating] of the ship at midship, naturally, everything being in proportion and accurately calculated. One rough way of determining the stability of a ship, assuming always that the center of gravity is correct and properly placed, is to take the square of the beam

and divide it by the draft. The higher the quotient the higher the degree of stability. I need not point out, of course, that the superstructure on the deck and its general construction all enter in determining the center of gravity. I referred to this model being a "1-compartment" ship. That means that the ship is divided, as you can see, into several compartments. This model is made so that the inside of the ship may be seen. [Opens side of ship and indicates.] Here, gentlemen, are the bulkheads dividing the ship into several compartments. A bulkhead in the language of the landlubber is a crosswise partition dividing the ship into water-tight compartments. In other words, here [indicating] is a bulkhead. Here is another. This space in between is a compartment and supposed to be water-tight. The doors in between bulkheads, especially the doors in the midship section in modern ships, are closed by a main control from the bridge [indicating]. Now, if a ship collides or springs a leak in the case of a ship like this—1-compartment ship—that means that if one compartment is flooded she can still float. That is to-day a ship of very low safety. In fact, no 1-compartment ship should be permitted to carry passengers. The *Vestris* was a 1-compartment ship, and there is a question if she was even that. But I will return to that in a minute. Now, here, gentlemen, is the diagram of the last word in safety in passenger-vessel construction. It is the diagram of the American steamer *Malolo*. Here you have a sectional diagram and you will see that there are no less than 12 compartments. Right here [indicating] we have the diagram of the main deck.

I want to call your attention [indicating] to the structure of this main deck, as I will have occasion to refer to main-deck structure later on. This curve on this diagram here [indicating] will show you the floatability of the *Malolo*. She can be called a 4-compartment ship. Now should the ship collide or spring a leak anywhere around her midship section [indicating] this ship can float with no less than four compartments flooded. If she should break or spring a leak aft or in her bow [indicating], she can float with three compartments flooded. You can readily see by comparing the structures of the two ships the progress that has been made in the art of shipbuilding. Yet our law to-day on the subject was made when this old-type ship [indicating model] was the last word in shipbuilding construction and while all this improvement has been made and progress achieved from 1870 to date, nearly 60 years, we have not changed our laws at all. I want to point out, gentlemen, that the safety and floatability of the *Malolo* is not only theoretical. It so happened that on her trial trip she was rammed right square midship by a Norwegian barge. She was hit right here [indicating], right between her two boiler sections, a terrible gash put into her side under the water line. Both boiler rooms were immediately flooded and put out of commission. She could not generate a pound of steam, but there was no danger at any time, and she kept afloat as if nothing had happened. She was finally towed into port and the repairs necessary were only slight. Even that experience brought a lesson to naval architects and ships built in this country since then have the two boiler rooms separated with one water-tight compartment in between. Such up-to-date ships, for instance, as the steamships *California* and *Virginia*.

Having seen how important to the safety of the ship and to the security of her passengers are the proper construction of the hull and the stability of the ship, the necessity of proper supervision over such construction and proper stability backed by statutory requirements can not be denied. Yet, gentlemen, the law on this subject was enacted prior to 1870. The Steamboat Inspection Service, the Government agency charged with the inspection of all vessels, can only inspect a ship after she is completed. There is nothing in the law which permits a supervision of the plans or gives the Government any say as to the construction of the hull. The minimum requirements of the law read in this day and age is simply laughable. Let me read section 4490 of the Revised Statutes, and to say that that is the only section in the law governing the subject of hull construction and subsequent hull inspection. While the regulations, it is true, are written by the Secretary of Commerce, as everyone knows, they can not go beyond the scope or limit of the statute itself:

SEC. 4490. Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after the 28th day of August, 1871, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulkheads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.



The Steamboat Inspection Service has repeatedly asked Congress to amend this section and to bring the law up to date. I am sorry to note that for 18 years Congress has ignored this plea. What happens now? A ship is inspected and entitled to a certificate if she can navigate the waters she sails. A mere reference to the statute referring to a ship built prior to 1870 as a requirement under the law shows the obsolescence of the statute. To require a minimum of three water-tight cross bulkheads indicates how far behind the law is to the present school of shipbuilding. Examinations are now conducted by local inspectors. There is no centralization. Local inspectors are practical men. They qualify as practical men, and they are paid as such. They are not technicians; they are not naval architects. Their qualifications are limited; their duties are limited, and on the whole they have performed their duties very well, and considering the limitation of the law, satisfactorily. The law as to boiler inspection is broader and gives the service greater jurisdiction and power of inspection, but even the boiler law is not centralized. The Steamboat Inspection Service has also called attention of Congress to the necessity of the revision of these sections of the law. Repeatedly, as I will read to you in a few minutes, has the Steamboat Inspection Service urged these changes, and again I will say Congress has not heeded and nothing has been done by Congress to provide the necessary legislation. Here I will read section 4418 of the Revised Statutes, and I want to call attention of the House that it was amended by an act approved March 3, 1905:

SEC. 4418. The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition, arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of sections 4430, shall be subjected to a hydrostatic test in the ratio of 150 pounds to the square inch to 100 pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor any of the connections therewith, shall be approved which is made, in whole or in part, of bad material or is unsafe in its form or dangerous from defective workmanship, age, use, or other cause.

It will be noted that in the case of the boilers—this, I believe, was brought about by the amendment of 1905—provides for an inspection and test of the boilers before they are used. It also defines specifically minimum requirements of boiler plates, the necessary pressure, all of which gives the Steamboat Inspection Service the right to make inspections and examinations not only of the boilers before they are used but of the material that goes into the making of the boiler. The regulations provide fully for the inspection of the plates and material at the factory and of stamping such material after it has been approved. But, gentlemen, even that is not sufficient. Under the law these examinations are entirely in the hands of the local inspectors. They carry on the examinations, inspections within their own districts. There is no centralization. There should be a central office properly equipped with a personnel of technically trained experts to pass upon the plans, construction, and material of these boilers in order to bring about uniformity of inspection throughout the country and also to have men who are qualified to pass upon these highly technical and specialized subjects. This suggestion for centralization of boiler inspection and hull inspection such as I have indicated is by no means original with me, or novel. It had been urged by the Steamboat Inspection Service for over 15 years. I am going to read, at the risk of boring you, extracts from the report of the Supervising Inspector General for the year 1915. In this report he not only urges revision and amendments to the law but he quotes from previous reports as far back as 1910, stressing the necessity for legislation on this subject. Kindly pay attention to the recommendations made in 1915 and to the review of previous recommendations from the Steamboat Inspection Service made to Congress, and which to date, I repeat

again, Congress has failed to act. In 1915, Mr. Uhle, the then Supervising Inspector General of the Steamboat Inspection Service, in his annual report said:

#### HULL INSPECTION

Though occurring in the fiscal year ending June 30, 1916, it is not inappropriate to refer in this report to certain criticisms that have been made of the service in connection with the *Eastland* disaster. Despite the many untruths that have been told and the gross amount of misrepresentations made, either intelligently or through ignorance, hull inspection is something that has received the serious attention of this bureau. Under the provisions of section 4417, Revised Statutes, the local inspectors are required, once in every year at least, to carefully inspect the hull of each steam vessel within their respective districts, and satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, etc. Under authority conferred by this statute, the local inspectors have the right to refuse to certificate a vessel they do not believe is of suitable structure. Nevertheless, it has never been held that the board of supervising inspectors has authority to lay down in detail structural tests in the same manner as has been done in the case of boiler construction, express authority in the case of boilers having been conferred by certain statutes applicable thereto. It may be interesting to review in this connection certain remarks and recommendations that have been made by this office in previous annual reports in regard to hull inspection.

Attention is called to the remarks under the heading "Hull inspection," appearing on page 15 of the Annual Report of the Supervising Inspector General for the fiscal year ended June 30, 1910, which reads as follows:

"For some time it has been required that the manufacturers of boilers submit to the local inspectors blue prints showing in detail the proposed construction of the boiler or boilers which they are about to build. Inspectors have thereby been enabled to ascertain whether the boilers are to be constructed in conformity with the requirements of the general rules and regulations and of the United States statutes upon which those rules and regulations are based, and before approving such blue prints they frequently confer with the boiler manufacturers and point out to them the defects, if any.

"This service is of opinion that the time has now come when blue prints of hull construction should also be submitted, not with a view to imposing unnecessary burdens upon shipbuilders and the owners of steam vessels, but in order that the inspectors may know whether the hulls of the vessels proposed to be built are to be constructed in accordance with safe practice. At present the inspectors of hulls ascertain exactly whether the necessary life-saving and fire-fighting equipment is aboard the boat, whether the fire hose is in a good condition, whether the necessary life preservers are on board and in good condition, and other matters relating to the hull inspection of a vessel, but having ascertained all of this they are often still in ignorance as to the details of the original construction of the hull.

"An important item of information with which inspectors should be furnished when the hull of a steamer is built is the thickness of the material and the size and weight of the scantling used in the construction thereof, for it is well known that there is a general deterioration of hulls, with the result that as the years go by and the vessels go from one district to another, the inspectors really have to depend absolutely upon surface indications as to the condition of the hull. The condition of a steel or iron hull is ascertained by the hammer test and general indications, and of wooden hulls by boring, scraping, etc. Anyone familiar with hull construction knows that quantities of rust accumulate on the inside of the iron or steel hull, if not properly cared for, with the result that each year the material of such a hull becomes thinner, while the wooden hull softens and rots. If inspectors were furnished with detailed information regarding the original construction of a hull, they would then be accurately informed as to just how much the vessel had deteriorated since her construction. It is therefore proposed to submit to you for approval a bill which will make necessary a more detailed hull inspection than that heretofore prevailing."

While it was stated in the last sentence of the above quotation that it was proposed to submit to you a bill that would make necessary a more detailed hull inspection than that heretofore prevailing, it was finally decided when the matter came before the board of supervising inspectors for consideration that the first steps to be taken in this respect might better be in the form of a regulation requiring that the blue prints of the hulls of certain vessels be submitted to the inspectors, not for approval, but for their information.

Reference again was made to this matter in the paragraph headed "Effect of hull inspection," on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1911, which reads as follows:

"In my annual report to you for the fiscal year ended June 30, 1910, I recommended a more rigid and thorough hull inspection, and at the last meeting of the Board of Supervising Inspectors of Steam Vessels, in January, 1911, a rule was passed requiring vessels of a certain ton-

nage to submit blue prints showing their construction and other information of value to the inspectors, and it is believed that it will become more and more apparent that the rule above referred to is a good one, for prior to the passage of that rule inspectors of this service were in complete ignorance of many essential things they should know regarding the construction of hulls of vessels inspected by them."

Attention is also invited to the first paragraph appearing under the heading "Activities of the service," on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which reads as follows:

"In connection with the work of the service it may be interesting to note the manner of hull inspection. An examination of the Rules and Regulations Prescribed by the Board of Supervising Inspectors shows that there has been developed in great detail the matter of boiler inspection and construction, but it having become more and more apparent every year that the service must give more attention to hull inspection, at the annual meeting of the Board of Supervising Inspectors of Steam Vessels in January, 1911, a resolution was introduced requiring that the owners of every new vessel of over 100 gross tons when making application for the first inspection of the vessel must furnish the local inspectors of the district where the vessel is to be inspected a drawing or blue print, in plan and section, showing fully the general construction of the vessel, of wood, iron, or steel, including dimensions, spacing of frames, disposition of hull plates, outside and in, or of outside and inside planks, construction of decks, construction of transverse and longitudinal bulkheads and location of same, space between decks, and details of principal scarfs, and must also furnish a statement of the shapes, dimensions, and unit weights of all structural parts of the hull, and of the kinds of material of which made, including kinds of wood. The resolution also provided that a full description of the riveting of all parts of an iron or steel hull must be furnished. The result of that resolution, which was adopted by the Board of Supervising Inspectors, has been most beneficial, and now inspectors have in their possession certain valuable information of which they were in complete ignorance prior to the passage of the rule. It will thus be seen that even before a vessel is built the service makes an effort to see that it is in fact properly constructed."

Attention is also invited to the paragraph appearing under the heading "Classification for hull inspection," on page 17 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which reads as follows:

"It becomes more apparent each year that there should be some classification for hull inspection, and there is no reason why there should not be an American standard of construction. At the present time the American Bureau of Shipping, closely allied with and supported by ship-owners, shipbuilders, and marine insurers, is the only standard that we have in this country. The Board of Supervising Inspectors should now examine the rules of the American Bureau of Shipping and suggest such changes as seem desirable and also suggest some basis of cooperation with this American standard of construction. It should be a matter of pride that America should have a standard classification for hull construction that may be spoken of as the standard authority in this country, and the Board of Supervising Inspectors is the body that should formulate the rules for that American standard. It is believed that under sections 4405 and 4417, Revised Statutes, the Board of Supervising Inspectors has ample authority to undertake this work."

While in the last sentence of the quotation above the statement is made that it is believed that under sections 4405 and 4417, Revised Statutes, the Board of Supervising Inspectors has ample authority to undertake this work, it was concluded by the Board of Supervising Inspectors after due deliberation and discussion that sufficient authority did not exist for the approval of hull construction and for requiring certain detailed tests in regard to construction.

The bureau desires to refer also to the first two paragraphs appearing under the heading "Hull inspection," commencing on page 16 of its annual report for the fiscal year ended June 30, 1914, which read as follows:

"Reference has been made to the fact that under the rules of the Board of Supervising Inspectors blue prints descriptive of the hull construction of certain vessels are required to be filed with the local inspectors having jurisdiction, but, as has already been pointed out, it is not at present required that these blue prints be approved by the local inspectors with whom they are filed. Some thought has been given the question of whether it would not be advisable to require these blue prints to be approved by the Steamboat Inspection Service, but such approval not to be given by the local inspectors. It is believed instead that there should be stationed in the office of the Supervising Inspector General a corps of experts whose business it would be to approve the proposed hull construction. This, it is thought, is necessary (1) because it would enable the department to employ experts who are more familiar with hull construction than the local inspectors and (2) it would result in that uniform administration of the law with which the Supervising Inspector General is charged.

"To adopt such a system as this might require the enactment of a statute that would give this express authority to the Steamboat Inspec-

tion Service, or if it should be determined that there is sufficient law to justify this action, certainly it would require a larger appropriation for the employment of experts for the purpose named. Furthermore, it would be a distinct departure from the principles that have heretofore governed the Steamboat Inspection Service in the matter of the approval of certain things by local inspectors, as it would place that approving power in the central office, thereby relieving the local inspectors of much responsibility, as well as obtaining more expert advice and a more uniform administration of the law. This is a matter requiring careful consideration. It is not one to be adopted without mature deliberation, but it is a question that faces this service to-day and which will as time goes on require more and more attention."

It will be noted that the idea which the bureau has had in mind has been to create in the office of the Supervising Inspector General a corps of experts, whose business it would be to approve proposed hull construction. In order to do this it will be necessary, in the opinion of the Supervising Inspector General, to amend certain statutes that at present exist that place in the hands of local inspectors original jurisdiction with regard to hull inspection. If the construction of a vessel could be approved by experts stationed in the office of the Supervising Inspector General, there would result not only safe conditions with reference to construction but there would also result more uniformity in the matter of correct inspection and construction, and it is to be recalled that the Supervising Inspector General is charged with a uniform enforcement of the law. It would also be necessary to have a much larger appropriation than at present, not only to pay the salaries of the experts to be employed but also to pay the salaries of many additional clerks required in the central office and for the salaries also of inspectors of construction, who should be stationed in all of the shipyards throughout the country.

Thus it will be seen that unfortunate as was the disaster to the steamer *Eastland* the matter of hull inspection and construction is one that has not been neglected, and it may be that as a result of this terrible disaster it will be possible to obtain a sufficiently large appropriation to pay for the additional expenditure above proposed, which would result in a larger and more effective service.

#### OVERLOADING OF PASSENGER STEAMERS

Closely connected with the proposition of hull construction is that of the overloading of passenger steamers. To one who gives this subject only superficial attention the first thought is, Has a steamer carried more passengers than she is permitted to carry by her certificate of inspection? It is believed, however, that violations of law in this respect are comparatively few, and the more important question to ask is, Have the local inspectors permitted a steamer to carry a larger number of passengers than she should be permitted to carry by her certificate of inspection? In this connection it is to be borne in mind not only does the ship possess sufficient stability to carry the number of passengers allowed, but in giving the passenger allowance has due consideration been given to the possibility of panic and to the handling of the life-saving apparatus in the event of panic?

It will be interesting in this connection to refer to previous annual reports in regard to the question of overloading, and attention is called to the remarks appearing under the heading "Overloading of passenger steamers," commencing on page 19 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which read as follows:

"The matter of the number of persons permitted to be carried on passenger steamers is one that has received the careful and constant attention of this bureau.

"Section 4464, Revised Statutes, requires inspectors to state in every certificate of inspection granted to steamers carrying passengers, other than ferryboats, the number of passengers that any such steamer has accommodations for, or can carry with prudence and safety. It will thus be seen that the local inspectors have exclusive jurisdiction in the matter of fixing the number of passengers that shall be carried on board steamers. This perhaps is as it should be, for as a result of varying local conditions the local inspectors are the ones who are presumably best informed as to the number of passengers a steamer can carry with safety. At the same time, however, if the local inspectors do not exercise good judgment, steamers will be permitted to carry more persons than they should be allowed. The bureau has persistently endeavored to have the local inspectors watch most carefully this situation, impressing upon them that the responsibility is theirs, and that in the event of disaster from this cause they will most surely suffer the punishment that is proper for any carelessness or neglect of duty. If it were possible or practicable to have a general and uniform rule by which the passenger allowance could be estimated, it would be most desirable, but at the present time I can not see how such a rule could be put into effect.

"It is believed, however, that the new rules in regard to the boating of vessels will very materially control the situation, for now that vessels are required to boat according to the number of passengers carried, and not according to tonnage, an unreasonably large number of passengers can not be carried because of the inability of the steamers to boat up to the requirements."



There was also issued in the year 1912 a very important circular letter, dated April 27, 1912, addressed to United States supervising local inspectors of the service in regard to this matter. Particular attention is invited to the last paragraph of this letter:

"As the season approaches when water travel will be at its height, you are directed to give particular and careful attention to the matter of the inspection and equipment of all steamers under your jurisdiction, especially those steamers accommodating a large complement of people. You must see that all of the life-saving apparatus, such as life preservers, lifeboats, and life rafts, is in first-class condition, a conclusion that must be reached only by actual personal examination on the part of the local or assistant inspectors.

"Hose, pumps, fire extinguishers, etc., must be carefully examined by a local or assistant inspector to determine that the fire-fighting apparatus is in good condition, and ready for immediate use.

"Another matter, to which most careful consideration must be given, and one that has had the attention of this bureau, is that of passenger allowances on excursion steamers. It is impossible to lay down any iron-clad rule as to how many passengers shall be allowed on a steamer, for some steamers, by reason of their construction and stability, are able to carry more persons than other steamers that may actually have more deck space. In arriving at the passenger allowance you should have in mind not only the stability of the ship but also the possibility of panic in case of disaster. If the passenger allowance of excursion steamers invites any doubt whatever, do not hesitate to cut down such allowance. For you are aware that you are responsible, and will be held responsible, in the event of disaster to such boats."

Reference is also made here to a part of the statement appearing under the heading "Precautions against overloading of passenger steamers," commencing on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1913, and reading as follows:

"The bureau has always made an earnest effort to prevent the overloading of steamers carrying passengers, and it is believed that it has succeeded in greatly reducing this practice. There are two factors to be considered in the matter of the number of passengers that steamers are permitted to carry. The first is, Have the inspectors permitted the vessel by her certificate of inspection to carry more passengers than she can safely accommodate? and second, Have the officers of the vessel permitted more passengers to be carried than is allowed by her certificate of inspection? Under section 4464, Revised Statutes, the inspectors are required to state in every certificate of inspection granted to steamers carrying passengers, other than ferryboats, the number of passengers of each class that any such steamer has accommodations for and can carry with prudence and safety, and thus it will be seen that local inspectors have exclusive jurisdiction in the matter of fixing the number of passengers that may be carried on board steamers. In a country such as ours, with so many varied local conditions and so many different types of vessels, this is probably the best arrangement that can be made; but the judgment of all men is not the same, and one inspector may err in permitting a steamer to carry more passengers than its capacity justifies, whereas another may err in not permitting a steamer to carry as many passengers as might be safely and prudently allowed. If it were possible to have a general and uniform rule by which passenger allowance could be estimated, it would be most desirable, but under the varying conditions it is practically impossible to put such a rule in effect. The bureau, however, has repeatedly warned local inspectors that the responsibility is theirs and that they would be held responsible in the event of disaster, and it is believed that these warnings and instructions have had a good effect. There is one factor, however, by which the allowance of passengers has been substantially controlled, and that is the rules at present in force in regard to lifeboat equipment, for where steamers are boated according to the number of passengers carried they are restricted in their passenger allowance by the extent of their equipment, and consequently can not carry a larger number of passengers than justified by their lifeboat capacity.

"The matter of preventing steamers from carrying more passengers than allowed by their certificates of inspection has received particular attention during the present season, and a system of having inspectors actually count passengers and submit reports direct to this office on small cards has been instituted and soon will be in general use by inspectors of this service and by customs inspectors. This will enable the department to be in immediate and close touch with the counting of passengers on steamers and do much to prevent overloading. It is believed that the counting of passengers should be entirely under the control of the inspectors of this service, which, of course, would require additional inspectors, because the small number at present available would not be able to take care of this very large and important business.

"In this connection I desire to call your attention to the recommendation of the bureau on page 18 of its annual report for the fiscal year ended June 30, 1905, as follows:

"For the purpose of restricting the number of passengers that may be carried on motor vessels other than steam, I recommend that section 4464, Revised Statutes, be amended so as to read:

"The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

"I would suggest that the word 'steamer' in the first line of section 4465, Revised Statutes, be stricken out and the word 'vessel' inserted in lieu thereof in order to meet the amendment to section 4464."

"The same matter is again referred to in the annual report for the fiscal year ended June 30, 1906, on page 15 of which appears the following comment:

"Sections 4463, 4464, and 4465, Revised Statutes, referred to in my previous report, should be amended without delay, and in the interest of the safety of the traveling public I beg to renew my former recommendations upon this subject, and earnestly request that you urge upon Congress the necessity of this legislation."

"Again, in the annual report for the fiscal year ended June 30, 1907, page 27, this recommendation was renewed in the following language:

"Under the present law there is no authority to restrict the number of passengers that may be carried on motor vessels other than steam, and for the purpose of correcting this condition I would recommend that section 4464, Revised Statutes, be amended to read as follows:

"Sec. 4464. The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

"For the purpose of harmonizing with this proposed amendment, I would recommend that section 4465, Revised Statutes, be amended by eliminating the word 'steamer' in the first line and substituting therefor the word 'vessel.'"

Lastly, your attention is invited to the statement appearing under the heading "Transportation of persons," on page 25 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1914, which reads as follows:

"In the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1913, reference was made to the attention which had been given to precautions against the overloading of passenger steamers, showing, first of all, how this matter was taken care of by the certificates of inspection that are issued by inspectors, in which certificates the statement is made as to the number of persons that shall be carried on passenger steamers. The effort made in detecting the overloading of passengers after the issuance of the proper certificate was also pointed out. The inspectors of this service are giving their attention to the passenger-carrying allotment of these passenger and excursion steamers, and the number of passengers permitted to be carried to-day is relatively smaller than that permitted to be carried a few years ago. In any event, the original jurisdiction is placed by law in the hands of the local inspectors, and those are the officers who are responsible, and this bureau has impressed upon those officers that they will be held strictly accountable in this respect.

"During the past fiscal year there was put into use a new form for reporting the number of passengers carried. As these cards were received in the bureau they were carefully examined, and in every instance where it appeared that there was any overloading, or a suspicion of it, the matter received prompt and immediate attention. It is not the steamers subject to inspection that violate the law, or on which danger exists in the matter of carrying passengers; where danger exists is on motor vessels not subject to inspection, and on motor vessels in some instances subject to inspection.

"In this connection your attention is invited to the statement in the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1907, where, on page 27, it was stated that under the present law there is no authority to restrict the number of passengers that may be carried on motor vessels other than steam. For the purpose of correcting this condition it is recommended that section 4464, Revised Statutes, be amended to read as follows:

"Sec. 4464. The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

"It will be noted that the recommendation substitutes the word 'vessel' for 'steamer.'"

"Under present conditions, so far as relates to motor vessels, the situation is partly met by the equipment of these vessels; that is to say, the vessels are boated according to the number of persons they carry, but it must be obvious to anyone that this is an attempt to control a dangerous situation by indirect methods that are never satisfactory. Will it be necessary that there shall be some great catastrophe in order to eliminate the danger of carrying too many persons on motor boats? A change should be made in the law before this occurs. It seems to be the history of human nature that no great progress has been made except by the shedding of human blood. In the light of the past why is it necessary that this historical condition should be required to repeat itself?

"Therefore, your attention is urgently called to the matter so that the proper legislation may be at once brought before Congress, with a view to correcting this very dangerous condition."

The conclusion of the whole matter is that the original responsibility rests upon the local inspectors in the matter of passenger allowance. This is a condition that has given the bureau much concern and worry lest the local inspectors may not always exercise good judgment in the matter of passenger allowances. The bureau has tried to devise some way by which the statutes could be amended, taking the authority out of the hands of the local inspectors entirely, but at the present time it is not seen how this authority can be taken from them and obtain satisfactory results. It might prove necessary to have every ship carrying passengers measured and tested by experts, with a view to ascertaining what the passenger allowance of these vessels should be, but under the provisions of law as they exist at present it is impossible to do this. The bureau has endeavored to impress upon the local inspectors the seriousness of this responsibility which rests upon them, and condemns in unqualified language any local inspector who exercises the great authority conferred upon him by section 4464, Revised Statutes, without fully appreciating its seriousness.

#### FIREPROOF CONSTRUCTION OF EXCURSION STEAMERS

While all eyes are turned in the direction of requiring stability tests of vessels, do not let us forget other perils that are as terrible as the unseaworthy ship. Reference is made to the danger of fire, and attention is called to certain recommendations that have heretofore been made in connection with that peril. In the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1905, under the heading "Experiments in fireproof river and excursion steamers," on page 21, the following statement appears:

"The question of the inflammability of the ordinary type of river and excursion steamer is one that should have the fullest consideration by the department, and while fire is one of the worst conditions that we have to meet, and the most appalling in its results, little or no effort has heretofore been made to design or construct these steamers upon any different plans than those in use for years. Paints, compositions, and various other compounds of a so-called fireproof character have been suggested and tried, but none seems to have met the purpose of its design. There is now in course of construction in one of the prominent shipyards of the country a river steamer nearly 300 feet in length that has been designed with a view of having her as nearly fireproof as utility will permit. Upon the success of this experiment will depend whether or not fireproof construction in this class of vessels may be demanded, and if so the Government should lose no time in enacting legislation that will make such construction imperative in this type of vessel.

"Every disaster carries with it a lesson, and not one of them should go unheeded. Each accident should be made the subject of a most thorough and searching investigation to determine the cause and remedy the defect. The annual inspection of a vessel is no guaranty that her equipment is maintained in serviceable condition throughout the term of her certificate of inspection, and for this reason I believe that intermediate inspections are not only important but that they are absolutely necessary and essential for safety. Accidents can never be totally eliminated from the risks of navigation, but a strict observance of wholesome laws and consistent rules will so reduce their number that confidence will be more firmly established, strengthening the public opinion that every precaution is being exercised to promote safety, so far as it is possible for rigorously enforced, well devised laws and rules to provide it."

Attention is invited also to the paragraph appearing under the heading "Fireproof construction of excursion steamers," commencing on page 15 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1906, which reads as follows:

"In my last report I referred briefly to the experiment of a fireproof excursion steamer, and it gives me pleasure to report that this matter has now passed its experimental stage. The construction and operation of a fireproof excursion steamer has proven successful beyond the strongest hopes of those who conceived this type of construction, and I renew my recommendation that Congress enact such legislation as will imperatively demand that fireproof construction be required in all excursion steamers hereafter built or contracted for."

Attention is also invited to the last four paragraphs appearing on page 17, under the heading "Hull inspection," of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1914, which reads as follows:

"The Steamboat Inspection Service inspects vessels in order to make travel by water safer, and while this service has done much to have lifeboat and fire-fighting apparatus provided, it nevertheless remains a fact that the most important thing to do is to make the ship itself as nearly unsinkable as possible. Having done this, it then becomes necessary to place on board the vessel the proper equipment to take care of those who travel on the ship, and to see that the vessel is properly manned. It is believed that the greatest peril which has to be met on board ship is fire, and in order to follow out the principle of making the ship itself as safe as possible before taking up the question of

equipment, the Government should require that all excursion steamers be entirely fireproof.

"It may be claimed by some that it would not be practicable to make excursion steamers absolutely fireproof and yet be commercially successful, but attention is invited to a statement made in the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1905. In that report it was stated that the question of the inflammability of the ordinary type of river and excursion steamer is one that should have the fullest consideration of the department, and that while fire is one of the worst conditions that we have to meet, and the most appalling in its results, little or no effort has heretofore been made to design these steamers upon any different plan than those in use for years. It was pointed out that paints, compositions, and various other compounds of a so-called fireproof character have been suggested and tried, but none seems to have met the purpose of its design. It pointed out also that at that time there was in course of construction in one of the prominent shipyards of the country a river steamer nearly 300 feet in length that had been designed with a view to having her as nearly fireproof as utility would permit. In the same report for the succeeding fiscal year it was stated that the construction and operation of a fireproof excursion steamer had proven successful beyond the strongest hopes of those who conceived this type of construction. The Supervising Inspector General therefore renews his recommendation, made in the annual reports of 1905 and 1906, that Congress enact such legislation that will demand this fireproof construction to be required on all excursion steamers hereafter built or contracted for.

"In the meantime, admitting that we do not have absolute fireproof construction on all excursion steamers now in use, the best precautions that we can take against loss of life and property is to maintain the very best fire-fighting equipment on these steamers, manned with crews well drilled and competent to fight fire should it break out.

"Until Congress requires fireproof construction of excursion steamers, it is believed that the use of the sprinkler system, already adopted by many passenger steamers, should be extended."

While we have been fortunate in not having any great fires recently on excursion steamers, it is a peril which none the less exists, and though we may have any number of regulations in regard to fire-fighting equipment, in order to prevent such another disaster as occurred on the steamer *General Slocum* the best way is to remove the cause for such a disaster and require absolute fireproof construction of excursion steamers. This can not be done until Congress acts, and the bureau most earnestly invites attention to the necessity for legislation in this respect.

I believe it is well worth while to have referred to this report as it covers the ground so fully and it surely, in view of what has occurred, will make a profound impression upon us all and spur Congress to action in providing the necessary legislation. In just a moment, I am going to refer to the last report of the Supervising Inspector General and call your attention to something which to my mind is startling to say the least.

In stating, emphasizing, and repeating what Congress has failed to do, it is only fair to say that Congress has done something in the way of compelling the building of first-class ships by the passage of the Jones-White Act at the last session.

Under the Jones-White Act, ships receiving mail contracts or receiving the benefits of the loans therein provided, are auxiliary vessels of the Navy, and as such, must be approved by the Navy Department. The plans of these ships are submitted to the Department of Navy and that gives the Government supervision and control in their construction. It is only fair to say that the Bureau of Construction of the Navy Department is attending to this work very seriously and in approving these plans, though the ships are auxiliary naval vessels, have not lost sight of the fact that they will in all probability spend their useful life in the merchant marine and must be made and constructed for commercial purposes. This becomes very important, gentlemen, because the safer a ship is made, the more precautions that are taken in building these water-tight compartments, in placing bulkheads running way up to the top deck without doors and entrances while they naturally increase the safety of the ship, it all has the tendency of reducing the serviceability of the ship as a merchantman. It is through the desire to make ships safe under unusual circumstances that has developed in this country an unusually high type of safe ships.

I want to pause right here to say that the highest-class ships we have in the way of safety happen to be engaged in the South American trade at this very moment in competition with the old British tubs of the Lampert & Holt Line, to which, as you know, belonged the *Vestris*. These ships with an unusual high degree of safety are the *American Legion*, the *Southern Cross*, *Western World*, and the *Pan American*. Another fine line of American ships are the *President Harding* and *President Roosevelt*, en-



gaged in the North Atlantic trade and operated by the United States Line. Then we have the so-called Merchant Line, with ships of unusual high degree of safety, as the *American Trader*, the *American Banker*, the *American Farmer*, the *American Merchant*, and the *American Shipper*. In the Pacific we also have the so-called President boats. The *President Grant*, *President Madison*, *President Jackson*, *President McKinley*, *President Cleveland*, *President Lincoln*, *President Pierce*, *President Taft*, and the *President Wilson*. Quite a formidable fleet of splendid, safe passenger steamers, all under the American flag. It is interesting to note that most of these steamers were built with the principal object in mind to make them safe. Many of them were built originally and most of them were designed as transport ships in time of war, when the submarine danger was very great. All the ingenuity that man could devise was put into these ships to make them safe. I refer to these ships and their present service in the mercantile trade as a complete answer to the argument that if too much safety is put into a ship her construction is such as to impair her commercial serviceability and reduce her earning powers. These ships prove that that is not so. I have already mentioned two latest ships of the American merchant marine, the steamer *California* and the steamer *Virginia*, which represent the finest type of ships for passenger service where nothing for the safety of the passengers was omitted.

But, gentlemen, it will not be very long before the provisions of the Jones-White Act will not be able to absorb any more ships. So that the present temporary and incidental control of hull construction now being carried on by the Navy Department is by no means permanent and does not in the slightest avoid the necessity of amending our shipping laws. Besides, there are many ships being built which require the supervision I have suggested before and which is so urgently being demanded by the Steamboat Inspection Service.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. I will be pleased to yield when I finish my statement.

I have spoken about the inspection and supervision over ships, and that was in reference to our own ships. As to foreign ships, we are governed mostly by treaty provisions. Countries having similar standards of inspection as ours have their ships exempt from our supervision and inspection. That exemption applies where such country's ships are plying between our ports and the ports of her own country. For instance, English ships plying between American ports and Great Britain do not come under our inspection. Passenger ships are required, however, to have certain life-saving equipment which our regulations require as a minimum. Foreign ships plying between American ports and ports not of their own country do come under our jurisdiction for supervision and inspection. The law on this point is likewise confused and inadequate. It is my firm belief that the law should be amended and provide definitely and specifically the extent of the supervisory jurisdiction and inspection of United States over such ships so engaged. Coming back to the *Vestris*, that was a British ship plying between New York and South American ports, and came within that provision of the law which required inspection by United States officials. It is my belief that if the *Vestris* were an American ship she would have long ago lost her certificate of seaworthiness. Why, gentlemen, up to this late date there is not a complete set of plans of the *Vestris* in this country. She was never submitted to what is known as inclining test or stability test. Every American ship is required to submit to such an inclining test. Section 16 of rule 7 of the General Rules and Regulations of the Steamboat Inspection Service provides for such stability tests. The rules also provide for a complete set of plans of the ship to be filed in order to determine mathematically the structural stability of the vessel. Again I want to point out that even this rule is local and under the jurisdiction of the supervising inspector and not of the central office.

I am advised by competent naval architects and reliable shipping men that if the plans of the *Vestris* had been examined and the vessel submitted to a stability test, it would have demonstrated that the vessel was utterly unseaworthy. The question arises now how far can we go on a foreign vessel in taking her out and submitting her to such tests. I hold that a foreign vessel engaged in the passenger trade between the United States and foreign ports not of her own country must submit to all the requirements, inspections, and tests that this Government may demand, and that it can not properly raise a legal, technical, or other objection and resist such inspection and tests. The sister ship of the *Vestris*, the steamer *Vauban*, is operated by the Lampert & Holt Line and engaged in the same service as the ill-fated *Vestris*. Sister ships, as you know, are built of the same design, from the same plans and specifications. I believe it is not only prudent but necessary to submit the

steamer *Vauban* immediately to an inclining test. That will not only establish her condition but also test our powers under the law. If the owners resist an order for such inspection, the case should be taken to court immediately and the matter decided. As I said before, legislation should be enacted to leave no doubt as to our rights over such foreign vessels.

I have this day therefore addressed a request to the Supervising Inspector General asking for such an inspection. I will read the letter:

DECEMBER 14, 1928.

HON. DICKERSON N. HOOVER,

Supervising Inspector General,

Steamboat Inspection Service Department,

Washington, D. C.

MY DEAR COMMISSIONER HOOVER: Under the law you have jurisdiction over foreign vessels plying between American ports and countries not their own. Just how far this jurisdiction goes and whether you have as complete jurisdiction over such foreign vessels and American vessels I believe there is a difference of opinion. It seems to me that foreign vessels engaged in the carrying of passengers from American ports to other countries are in no position to raise any technical objection to any inspection or test which may be required by your service. It has been impossible to date, I am informed, to obtain a complete set of the plans of the ill-fated steamer *Vestris*. That being so, it is indeed difficult to determine the stability of this ship. It is apparent from what took place that her stability was very low. I understand that the same company is operating a sister ship to the *Vestris* called the steamer *Vauban*, this ship being of the same construction and design of the *Vestris*. After what took place and the lack of complete set of plans, I would ask you to submit the steamer *Vauban* at her next call at an American port to a stability test such as is required of American vessels under section 16 of rule 7 of your regulation.

Such a test will be useful not only in providing necessary data in arriving at correct conclusions concerning the *Vestris*, but will also make it known to the owners of foreign vessels engaged exclusively in trade between the United States and other countries that that same degree of safety and high standard of construction and strict supervision required of our own vessels will be required of foreign vessels so engaged.

Very truly yours,

F. LAGUARDIA.

Mr. SIROVICH. What is a stability test?

Mr. LAGUARDIA. It is putting a vessel in an inclining position to establish by actual test her ability to right herself into normal position. It tests the structural strength of the vessel when placed in an abnormal position such as when a ship is listed to one side. Take this ship, if she is inclined, say, 5° [indicating] she would immediately come back to an even keel. Now, the great danger when a ship is rolling is that in a very high sea, a great many things might happen. If she is structurally weak and continues to roll, strain is placed on part of the ship that might be weak and something is bound to break. A ship having proper stability can easily take 15° to 20° lists [indicating] and must be constructed to absorb a list of 30° [indicating]. In the case of the *Vestris*, where perhaps cargoes shifted or water seeped in when she got into a list, she was unable to recover but continued over, taking in more water all the time until she sank. The listing of the ship in connection with her stability, of course, becomes of the utmost importance in time of distress. Gentlemen will recall the case of the *Lusitania*. The ship was torpedoed, but the direct damage of the torpedo was not necessarily fatal. The ship immediately took water and commenced listing. [Indicating on ship model.] Unfortunately all her air ports were open and water rushed in through the entire length of the ship so that her water-tight compartments were of no avail, water being taken through one whole side of the ship. The *Lusitania*, by the way, had longitudinal bulkheads and that raises another question that I will not go into to-day. The great ship *Titanic*, which was on her maiden trip west, it will be recalled, sank after hitting an iceberg. Steaming at full speed in an iceberg field she hit an enormous mountain of ice and tore her hull a great length, so that several of her compartments were immediately flooded. That great ship sank in less than two hours. I do not want to get away from the main subject, and that is the necessity of the revision of the law affecting merchant ships. I pointed out a few moments ago the recommendations made heretofore by the Steamboat Inspection Service.

The report of the present supervising inspector general of the service for 1928 was published on July 2 of this year. I want to say right here that Mr. Hoover, the present supervising inspector general, has come up from the ranks. I believe he spent most of his life in the Steamboat Inspection Service. He knows his job and he, too, ever since he took office has been urging Congress through his annual reports for legislation to bring

the service up to the requirements of the day. His 1928 report is most interesting and contains specific recommendations for legislation and suggests several amendments to the law. It continues the unheeded recommendations contained in the report of 1915. Gentlemen, I am going to read Captain Hoover's report. For some reason that I can not understand his report was deleted, blue penciled, and emasculated by some one in the Department of Commerce so that Congress has not the benefit of his views and recommendations if it reads only the report as it appears in the printed form issued by the Department of Commerce. In all likelihood the Secretary of Commerce did not see the inspector general's complete report. I am sure you will all agree that Congress is entitled to have the complete report unrevised, unabridged, and in full of every bureau head or chief of a department required by law to submit an annual report. Before I proceed reading Mr. Hoover's report I want to show the House the printed report which I hold in my hand and you will see that it contains one short paragraph on page 1 and all of page 2. From page 3 on are the tables and figures submitted in the original report. Here is the report as submitted by the head of the Steamboat Inspection Service and the recommendations made by him therein. I will read it as it is very interesting and instructive:

REPORT OF THE SUPERVISING INSPECTOR GENERAL STEAMBOAT INSPECTION SERVICE

DEPARTMENT OF COMMERCE,  
STEAMBOAT INSPECTION SERVICE,  
Washington, July 1, 1928.

THE CENTRAL OFFICE

Nothing could show more forcibly the awakening of interest in the American merchant marine than the volume of work passing through the office of the Supervising Inspector General. It might be interesting to know of the numerous requests that are received from people all over the country and in all walks of life for information concerning things maritime. These requests come from persons who are desirous of locating missing relatives, who may be licensed officers, members of the crew, or persons supposed to have been passengers on vessels. They come from students and instructors in high schools and colleges for information concerning the activities of this service. This is a healthy condition of public interest, for it shows that our people upon the seaboard as well as from the interior points in the Mississippi Valley are turning their eyes again to the sea.

The head of this service is a member of the executive committee of the American Marine Standards Committee, and has participated actively in the work of standardization which has been sponsored by you. The American Society for Testing Materials has been doing excellent work in connection with standardization of the testing of steel plates, and in this work this service has cooperated actively. Two years ago the head of this service had occasion to address the National Council of Safety at its annual meeting in Detroit, Mich., and again in October an appropriate address will be made before the same organization in New York City.

Reference is made to these activities that touch this service because they have their effect upon the volume of work constantly passing and are but incidents in the regular routine of work in connection with the direction of a large service like this, which covers the entire United States, Alaska, the Hawaiian Islands, and Porto Rico; and, because of this increased pressure of work, because of the awakening of the people concerning things maritime, and because of the necessity of improving methods, it has become quite apparent during the last three years, and markedly so in the last year, that there must be a larger force in the central office. You will recall that in the last annual report I pointed out the manner in which the work of the central office might be reorganized and was fortunate in obtaining the services of three additional traveling inspectors, who will take oath and assume duty on July 1, 1928. Those inspectors will be used largely in connection with the stability work, much of which is behind, and all of which is increasing in volume from day to day, in connection with the regular work of the service.

In the estimates for 1930 I must stress the necessity of the appointment of two additional traveling inspectors, with headquarters in this office, to be used in connection with the standardization of examination questions for licensed officers and in checking the work of inspectors in the crewing of vessels, equipment required, and the approval of boilers, all with a view to obtaining uniformity throughout the service. We have in this office valuable data relating to the operations of this service, but, valuable as this data may be, it also may represent many errors of procedure, because of inadequacy of force to check up the work of the districts; and, having in mind that the Supervising Inspector General is required, under the law, to obtain uniformity of procedure, and realizing that uniformity can only be obtained by constant supervision and review in order to carry out the requirements of the statute, it is necessary to have an expansion of force in the central office.

When it is considered that, at the present time, aside from the official direction of the Supervising Inspector General, there are six

traveling inspectors attached to the central office, and this without any adequate increase in the number of clerks in that same office, it is obvious that this bureau must have additional clerical assistance, because the correspondence, reports, and investigations that are constantly being conducted by this trained technical personnel require the assistance of properly trained clerks to carry on this work.

Right here is a table of personnel which is included in the deleted printed report, and I will therefore omit it. The original report continues:

In what is truly a mechanical age, when we may be prone to stress things other than men, it is none the less apparent that what is needed, more and more, is men, and efficient men. This bureau has endeavored to carry out constantly the desire of the administration for economy, and its record will show that it has successfully done so. There comes a time, however, when it is absolutely necessary to have a larger number of inspectors so as to maintain the high standard of inspection that is insisted upon by this office. Accordingly, in the estimates for 1930 I will recommend the appointment of 12 additional assistant inspectors, 2 to be stationed at each of the following ports: New Orleans, Baltimore, Boston, San Francisco, Portland, Me., and Galveston. There are, in fact, other ports where additional assistant inspectors might be used, but those named above are the ones where the need is most pressing at the present time. By the act of May 22, 1928, there was created a board of local inspectors at Hoquiam, Wash., and in the estimates for 1930 I will cover items that will make it possible, if Congress makes the appropriation, for that board to commence active operations on July 1, 1929.

Another matter vitally affecting personnel is that of salaries, and the salaries paid by this service are too low. The Welch bill gave some relief, but it did not correct conditions. To the extent that that bill gave small promotions to employees who had for years not received proper compensation we are truly grateful, but this matter of salaries in the Steamboat Inspection Service can not be finally adjusted until it is adjusted according to principle and not according to amount alone.

It is not a question of how much money shall be paid to an employee, so much as that the proper amount shall be paid, taking into consideration the duties performed and the skill possessed, and when the salaries of the employees of this service are measured by that rule, it will be found that they are greatly underpaid, which must always result in dissatisfaction. For example, supervising inspectors have a range of salary from \$3,800 to \$4,400 when their range should be from \$5,200 to \$6,000, and assistant inspectors, who receive the lowest compensation of the inspectorships, have a range from \$2,900 to \$3,400, and should have a range from \$3,200 to \$3,700. The clerks in the field, too, are greatly underpaid and, having in mind that they are required to do expert court reporting in addition to difficult clerical work involving the application of the provisions of the general rules and regulations as well as the statutes, larger salaries should be allowed. No court or committee of Congress would be willing to pay such low salaries for the skill required in like work for them. Such a condition should not exist, and if the classification of the field employees is to be studied by the Personnel Classification Board, or any other governmental agency, I trust that it will be studied in a constructive sense—not with the thought of paring down salaries or of giving a certain amount of money as a stop-gap, but with the purpose of correcting salary injustices along constructive principles.

I have to stress again the desirability of placing the supervising inspectors of this service under the classified civil service. These officers are at present in the presidential class, but every one of them, including myself, are employees who have been promoted through successive grades to their present positions. This is a service that exists, primarily, for the purpose of making transportation by water safe, and that task can be best carried out by men who are not amenable to the vicissitudes of politics. For the first time in the history of the Board of Supervising Inspectors, every member of that board is an employee who has reached it by promotion, and in order to continue the good work that has been for so many years carried on, and the policy that has been respected by all administrations, regardless of party, I submit below a bill to amend section 4404, Revised Statutes (U. S. C., title 46, sec. 373), as amended by the act approved July 2, 1918:

"Be it enacted, etc., That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"SEC. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 11 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 16, 1883, known as the civil service act. The supervising inspectors shall be entitled, in addition to his authorized pay and traveling allowances, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

"SEC. 2. That this act shall be effective on and after the date of its approval."



During the year I have kept in close touch with the work of the districts, and, while I have not been able to visit every district, I have visited every part of the United States, including the Pacific coast, and I anticipate being able to report for the next fiscal year, having visited again every local district. I hope that I may have the opportunity of going also to San Juan, Porto Rico; Honolulu, Hawaii; and the Alaskan districts. This service has nothing about it of a monastic nature. It is not away from the world but in it, and it must give service constantly. It can only do so by the maintenance of an efficient personnel, and the head of the service can only know how things are being done and what his employees are like by going into the districts and observing the effect of the operation of laws and rules and regulations and the efficiency of the personnel.

#### STABILITY CONDITIONS

I have referred to the fact that the stability work is behind. This is because we have been attempting to do with two men work that requires four. I hope that during the coming year we may be able to bring this stability work up to date. All that we have been able to do in connection with the stability tests has been to work out the one condition of stability that presented itself in connection with the particular ship that was being inclined. What we should be able to do, and will do with the increased force, will be to work out the five or six different conditions that properly should be considered in each inclining test. With the limited force that we have, should we be called upon to bring into court detailed information in regard to stability tests, while we could comply there would be considerable delay in working up the calculations. With the cases completed, requested information may be furnished at a moment's notice.

There seems to have been an impression abroad that it was the purpose of this office to standardize stability calculations. That impression is erroneous, and it undoubtedly grew out of a very praiseworthy effort in connection with the activities of the American marine standards committee. It is to be borne in mind that every vessel must be handled upon its merits, and, while there are certain general fundamental rules that are to be followed by all experts conducting inclining tests, yet the greatest rule of all must always be kept in mind, and that is that a rule that may apply to one ship would not necessarily be applicable on all fours to others. I believe that the United States Government was the first, and was alone for a number of years, in requiring stability tests. If my information is correct, the British Government now has similar requirements or is contemplating them. There may be some objection to the Government undertaking to require stability tests, but I would say to that objection that, while it may not be possible to lay down standardized rules, there is no expert but who must admit that the problem exists of being sure that a vessel possesses proper stability.

It may be true that much discretion must be left to the master, but our stability calculations have already shown that there are a number of vessels in which we have required fixed ballast that have undoubtedly been made safer by the requirement, and it can be shown that in the adjustment of disputes—and there have been some in regard to stability requirements—this office, while always keeping in mind safety, has proceeded in every instance as generously as possible, and has always applied the principle of settling each case upon its merits.

#### BOILER INSPECTION

For some time the proper technical committee of the American Marine Standards Committee has been working upon a tentative boiler code for this service. However, it is not to be forgotten that the legal responsibility rests with the Steamboat Inspection Service. If boilers are constructed according to rules that are dangerous, that responsibility is in this service, and it can not be avoided or side-stepped. Having in mind, however, the necessity of proceeding constructively and in accordance with best modern practice, I did, as you know, request the advice of the American Marine Standards Committee in connection with boiler construction, my thought being that we would take the best in all of the codes, including our own as it at present exists, and build from all of them one that may be considered the best and in advance of all others. In so proceeding, we must have no pride of opinion, and the controlling factor must be that which is the best in principle for the purpose to be met. I intend within the next fiscal year to move actively in this respect, and by that time I trust that I may have the suggestions of the committee above referred to.

In regard to boiler inspection, however, it must be remembered that many of the criticisms directed at this service, while they are justified, can not be charged against the work of the Board of Supervising Inspectors. It is to be remembered that in this respect, as in many others, the Board of Supervising Inspectors is controlled by statutory requirements of Congress. I submit below a suggested form of bill to amend sections 4433 and 4418, Revised Statutes (U. S. C., title 46, secs. 411 and 392), which, if enacted into law, will give the Board of Supervising Inspectors the authority that it needs:

"Be it enacted, etc., That section 4433 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4433. The working steam pressure allowable on all boilers in vessels which are required to be inspected under the laws of the United

States shall be determined under and in accordance with such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto."

SEC. 2. That section 4418 of the Revised Statutes of the United States as amended by the act of Congress approved March 3, 1905, be, and the same is hereby, amended so as to read as follows:

"SEC. 4418. The local inspectors, under such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto, shall also inspect the boilers subject to steam pressure and all the attachments, connections, equipment, apparatus, and appurtenances thereof, on all vessels required to be inspected before the same shall be used and at least once in every year thereafter. No local inspector shall approve any such boilers or the attachments, connections, equipment, apparatus, or appurtenances thereof unless in his opinion they meet the requirements of said rules and regulations and may be safely used in the service proposed. The local inspectors shall also subject all such boilers to hydrostatic tests in accordance with such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto."

SEC. 3. That this act shall take effect three months after its passage.

#### INTERNATIONAL CONFERENCE

The British Government has extended an invitation to the leading maritime powers to attend an international conference on safety of life at sea in London in the spring of 1929. As that conference has to do with safety of life at sea, manifestly this service is one that is vitally interested, and it is actively participating in the work of the Government incident to the preparation for that conference. The agenda submitted by the British Government covers suggestions with reference to subdivision of ships, life-saving appliances, wireless telegraphy, fire-extinguishing appliances, ice patrol, and collisions at sea. In connection with those suggestions this service is actively engaged in the work of the committees on life-saving appliances and fire-extinguishing appliances, the Supervising Inspector General acting as chairman of the committee on life-saving appliances, and the supervising inspector of the ninth district acting as chairman of the committee on fire-extinguishing appliances.

For the last three years this office has been actively engaged, with the assistance of that supervising inspector who is chairman of the fire-fighting committee of the Board of Supervising Inspectors, upon a study of fire-fighting apparatus, in connection with which particular attention has also been given to fire-indicating apparatus. In pursuing these studies the service has not proceeded in an *ex parte* manner, but it has invited to its conferences representatives of shipbuilders, underwriters, and owners of steamships, having in mind that, while safety must be had at all times, a business must not be regulated in such a manner as to destroy it. So far as the British suggestions for fire-extinguishing appliances are concerned, it is pleasing to note that this service has for a number of years been proceeding along modern lines, but there is progress yet to be made. Our thought has been to have apparatus that is powerful in the extinguishment of fire. That is good, but it is better when planning for construction to have a ship as nearly fireproof as possible when being built. This thought is consistent with that given in my last annual report concerning the desirability of excursion steamers being built of fireproof material.

While it has been contended that it is not practicable to build fireproof excursion steamers, or steamers other than of the excursion type, yet there are features of a safety nature that can be considered and that will doubtless be considered by the international conference. For example, in the building of vessels, our rules and regulations cover no provisions with reference to fire-resisting bulkheads, excepting in so far as reference is made to steel casings about boilers, metal-lined lamp lockers, oil rooms, etc. In speaking of bulkheads, I have reference to fire-resisting bulkheads, notably in the 'tween decks, and these bulkheads should be carried as high as may be necessary, and where such bulkheads might interfere with interior design, fire curtains could be substituted. While it is realized that the stairways of passenger ships are quite often selected by marine architects as one of the most beautiful features in a ship, they might well have in mind that something should be done toward protecting these stairways against draft in case of fire, as continuous stairways form a regular flue for draft.

In connection with the work of the committees on fire-extinguishing appliances and life-saving appliances, the service has prepared comparative statements showing the requirements under the convention of 1914, the present British proposals, and the present American practice, and it is believed that it will be found as the result of the compilation of this data that better and more constructive work will be accomplished in the study of the requirements so as to ably prepare the American delegates to the conference than in any other way.

Gentlemen, I would not have burdened you with this report nor would I encumber the RECORD with it had it been reported in full in the published printed report of the Department of Commerce. Having been deleted of most of its meat and substance, its recommendations having been blue-penciled, I deem it

proper to bring it to your attention and to have it appear in the permanent RECORD. I do hope that recommendations therein contained will be carefully considered by Congress.

Speaking of inspection, gentlemen, a great deal of criticism was directed a few weeks ago to the inspection of the *Vestris*, and in all fairness I want to say that under existing regulations, considering the conditions existing in our busy ports such as New York, San Francisco, and Seattle, it is absolutely impossible for an inspector to do his work according to regulations and hold his job. If he were to attempt to inspect in accordance with the requirements of his own regulations, gentlemen, the steamship companies would come to Washington, would get members of their delegation to go to the department, and that inspector would have to lay off or lose his job. There is no doubt about it. Let me give you an illustration. He is required under the regulations, not under the law but under the regulations, to take the lifeboats and lower them to the water on the one side and on the other side to the dock. Now, gentlemen, anyone familiar with dock conditions knows that it is physically impossible, if that ship is loading in a busy port, to lower those boats on the dock side, and 9 chances out of 10 on the off side she has coal barges and is coaling or has freight barges or the ship at the next dock has such barges, and it can not be done. Question: Is this inspection and test of lifeboats necessary? If so, we must write it into the law, and we must make provisions giving the inspector the right to order the boat freed from the docks and then have a real lifeboat inspection. One of two things must be done, gentlemen: Have the law specify and authorize the details of the inspection, or else not to expect the impossible from the inspector. There is no other way to aid the inspector. We must either do this or simply have regulations for window-dressing purposes, expect the inspector to make a perfunctory inspection, sign a certificate, and if everything goes all right, all right; or if anything happens, then blame him. We must decide definitely just what inspection is necessary, write that into the law, and back the inspector who is carrying out the law in the performance of his duty.

Now, gentlemen, as to foreign ships, I stated a minute ago that ships plying between American ports and home ports are not required to submit to any examination, assuming that the standards of their country equal ours. Ordinarily this ought to be sufficient. I am going to tell you of an instance where one of the largest ships afloat left the port of New York in the month of December, 1924, with a full complement of passengers in an absolutely unseaworthy condition. If it had so happened that that ship had encountered a storm, every marine engineer concedes that she might have broken apart. I am referring to the British steamer *Majestic*. The statement I have just made is very serious. I would not make it if I were not absolutely sure that it is correct. The case of the *Majestic* and her condition on that December trip in 1924 has been the discussion of naval architects all over the world. Strange as it may seem, nothing appeared in the press of either country giving the details or stating the extent of her damage and the great danger in sending her out on the eastbound trip with what is known in the parlance of the sea "her back broken." I am going to read to you gentlemen an article appearing in *Marine Engineering*, of August, 1925. It is written by one of the foremost naval architects in this country. Although the article is technical in its character, it is so well written that a layman can readily understand and realize the serious condition of the ship on that trip. The article is written by Commander Edward Ellsberg, formerly of the United States Navy, and a man in whom every Member of this House has confidence. [Applause.] I read the article:

It is an unfortunate truth that no shipowners will publish the facts concerning structural failures of their vessels. As a consequence, the naval architect is usually enabled to learn little or nothing from the defects found in operation on ships other than those belonging to his own company. A few rumors get about, conjectures are made—usually erroneous—but the actual facts ordinarily remain a secret and the designer can only guess at the faults.

A shining example of this nature was the accident to the *Majestic* last winter. This vessel was so damaged as to necessitate her withdrawal from service from late December until nearly May for repair. Her condition was extensively commented on in the British press at the time and her canceled passages were briefly noted in the American papers. What caused the damage, the extent of the trouble, and the adequacy of the means taken to remedy it were not made public. It was noted that even in the British shipbuilding press there was considerable criticism of this policy.

A knowledge of the facts in this case will lead to the conclusion that the damage, instead of being the result of general structural weakness

or of any unusual strains peculiar to large ships, was due only to a local strain arising from a detail error in design which was in no way connected with the size of the ship.

#### WHAT HAPPENED TO THE "MAJESTIC"

Chronologically, the following was the sequence of events:

During the summer of 1924 it was discovered that the C deck of the *Majestic* was fractured at the midship section in way of the inboard lobby. The C deck is the strength deck of the vessel, forming the top flange of the ship girder. This deck at the sides is formed of two courses of plating, which doubling is carried inboard on each side for several strakes, but these doubled stringers are pierced both port and starboard by the uptakes which on this vessel come through near the sides instead of on the center line as in the ordinary ship.

Just inboard of these uptake openings the deck is still further cut away by an elevator shaft on each side. This construction results in leaving only about 25 per cent of the beam of the ship intact inboard of the elevators and uptakes. However, this inboard section of the deck was not intended to take any strain and was made only five-eighths inch thick as compared with the deck stringer plating which is about 2 inches thick at the side and about 1½ inches thick in the strakes next inboard.

It was the section of 5/8-inch plating between the elevators which was first discovered to have parted. The failure in this location was verified by taking down the ceiling underneath. At the time, little importance was attached officially to the fracture. As the light plating here was not the strength plating, the vessel was not considered weakened and, as it was then in the midst of the tourist rush, nothing was done to remedy the damage. It was apparently intended to defer repairs to some slack period in the future. However, a little reflection, and a further investigation at this time as to how a light strake could ever get sufficient strain to let go when there were outboard of it heavy strakes intended to take all the strain, would have proved both illuminating and profitable.

There can be no doubt that such an investigation would have shown the deck stringers on both sides already fractured through a considerable portion of their width, so that the strains in working had been partly thrown on the light strakes inboard, with the consequences noted. But the C deck at the sides was a weather deck covered with wood planking; underneath, the stateroom ceilings sheathed it. If anyone connected with the ship had any doubts, they were not strong enough to cause the laying open to inspection of the deck stringers, and no examination of them was made.

Matters continued in this status until the westbound trip in December. Very rough weather was the rule on this trip. While still over a day out from New York, a loud report, likened by many to "a cannon shot," was heard. An investigation showed that the C deck had now cracked open all the way from the starboard to the port side, and that the port sheer strake had also let go, the crack in it extending down the side to the top of a circular porthole, where the crack stopped. The starboard sheer strake held.

The *Majestic* made her way to New York, and sailed as per schedule on her return voyage to Southampton. The crack in the C deck on the port side opened as the vessel worked, about one-half inch, but the damage did not extend further. On this eastbound trip the weather was apparently not bad. On arrival at Southampton, all future trips were canceled, and the ship laid up for an indefinite period for repairs by Harland & Wolff.

#### STRUCTURAL CONDITIONS OF THE DECK REVEALED

The wood decking was removed from the C deck and the staterooms underneath torn out. Structural conditions of the deck were revealed as follows:

At the forward outboard corner of each uptake hatch the plating of the deck was cut out on a right angle. There was no compensation fitted around the corners of the opening. Just outboard of the uptake corner, and about 8 inches from it, another rectangular hole about 12 by 20 inches was cut through the deck stringer for a ventilator trunk. Just outboard of this ventilator was a butt in the adjoining strake of the deck plating, with its consequent close-rivet spacing. About 18 inches forward of the uptake was an expansion joint in the superstructure, which commenced just above the C deck. Underneath the C deck, and in line with the edge of the uptake, was a girder which ended with a small bracketed connection to the uptake plating. Inboard of the uptake openings were the elevator shafts as already pointed out.

All the above factors produced a most obvious line of weakness, which happened to come right on the midship section. In addition, failure to compensate the heavy deck for the openings cut in it, especially at the forward outboard corners, resulted in concentrating at these sharp corners all the strain carried from forward by a much wider strake of heavy plating.

Due to this local strain, it is evident that the cracking first started at the square corners. From this point, the cracks ran outboard a short distance into the ventilator hole. From here the cracks continued outboard, along the line of closely spaced rivets in the butt strap, to the



2-inch deck stringer, through which they ran to the sheer strakes and down the port sheer stake at its weakest section into a porthole.

#### FRACTURE GRADUALLY EXTENDED ALONG WEAKEST SECTION

It will be seen that in this case the damage followed the weakest section. Considering the structure and nature of the fracture, it is clear that the fracture was progressive. From the port and starboard uptake corners (diagram) worked their way outboard, rivet by rivet, until enough of the deck was gone on both sides to make the light inboard plating take part of the strain. This light plating then let go, which damage was soon discovered, as in this location there is a central passage over this spot and the interior deck covering would crack with the deck. This was the condition in the summer of 1924.

The progressive rupture of the C deck continued through the fall, and when in December the vessel was finally exposed to heavy weather, there was so little of the top flange left that, under a real strain, the remaining metal let go with a bang. It is safe to assume that at this instant the vessel was rolled to the starboard side, so that the port sheer stake was also acting as part of the top flange, and, consequently, was partly torn through when the deck parted.

There have been numerous instances previously in ships, buildings, and machines where cracks have started in structures that were adequately strong generally, but where a local stress was excessive due to an error in detail design. A crack once started is bound to extend itself, especially in a structure subjected to alternating stresses, regardless of the strength of the section through which it is working. Recognizing this, the designer usually tries to prevent the start by making all points subject to excessive local strain considerably stronger than the remainder of the structure and by making all changes in shape take place gradually. To these ends the machine designer fillets his corners and thickens up his shoulders; the ship designer endeavors to avoid sharp corners, and compensates all openings by thickening up his plating. Both Lloyds and the American Bureau rules require compensating plates around openings cut in strength members.

Just why the German designer of the *Majestic* failed to compensate his strength deck when he cut out an oblong section of it on each side with the uptakes is not known. It can only be assumed that the stresses were so low in the sections of the deck stringers left that the chance of local concentrations of stress at the corners was overlooked.

#### HOW REPAIRS WERE MADE

In repairing the damage, care was taken to insure its nonrecurrence. All fractured plates were, of course, replaced. The initial error was corrected by making the new plating around the uptake corners half an inch thicker than the adjacent deck plating. In addition, the ventilator opening near the corner was eliminated, the butt strap outboard of the corner was moved several frames away, and the girder underneath the deck was more securely fastened to the uptake bulkhead. The effect of all this was to eliminate the line of relative weakness and to reinforce the corner against local strain. Finally, in renewing the fractured deck plate inboard between the elevator shafts, the thickness was increased from five-eighths inch by laying a new doubling, several hundred feet long, over this section. This, however, appears a useless precaution. As there are no inboard longitudinal bulkheads to connect this plating to, it can never take a strain until the outboard sections of the deck, which, due to their connections to the shell, act as the flanges, give way. As means to prevent such a mishap to the outboard plating have been provided, the strengthening of the deck inboard was unnecessary, resulting only in needless expense and addition of weight.

As this structural failure on the *Majestic* was not one peculiar to large ships, it is hoped that a knowledge of the trouble in this instance will prove useful to naval architects in the future in designing anything from yachts to liners.

The importance of the main deck, which I attempted to explain a few moments ago, will readily be seen from the reading of Commander Ellsberg's article.

It will require but little argument to show the necessity of writing into the law provisions which would compel foreign vessels engaged in passenger traffic and not subjected to our inspection to report to the proper authorities of our Government accidents or any damage sustained by the ship in order to give American officials an opportunity to pass on her seaworthiness before American citizens are permitted to embark as passengers at the risk of their lives.

Now, I want to call attention to another phase of the law which is very interesting. The owners of the *Vestris* are not liable in one single cent of damages to the families of persons who lost their lives through their negligence. When the *Titanic* and the *Lusitania* sank the owners were not liable for one cent of damage to the families of the people who lost their lives. That is under the act of 1851, where the liability of owners are limited. This law of limited liability was first enacted in France in the sixteenth century, when imprisonment was the punishment for nonpayment of a debt or judgment. When small sailing ships, usually owned by one individual and often the master of the ship, there might have been some reason for the

limited liability. It was adopted in England during the reign of George III, and was followed by the colonists. It was put into the Revised Statutes in 1851.

Not only that, but the owners of the vessel can pocket the money that the insurance companies pay and still raise the defense of limited liability as provided for in the statutes. That was held as far back as 1886. The Supreme Court of the United States held that the statute of limited liability gave owners full protection and that the money received from insurance companies for the loss of the vessel could not be made applicable for the payment of damages.

I will read section 4283 of the Revised Statutes, which perhaps is the most archaic provision of all our laws.

SEC. 4283. The liability of the owner of any vessel for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

Gentlemen, that is the law to-day and exactly as it was in the sixteenth century when first enacted. The dangers of the sea at that time can not be compared with conditions of to-day. I do not mean that the sea is less violent or that the elements have changed at all. But when this law was first enacted there were only tiny sailing ships. Compare that with conditions today—steel construction, water-tight compartments, and, above all things, the radio, which has made the isolation of a ship a thing entirely of the past. So that the risks of the sixteenth century are not to be compared with the risks assumed by owners of ships in the twentieth century. Negligence of the owners, of course, should not be exempt by the statute. Oh, yes, I will concede that the statute specifically says "without the privity of the owners"; yet, gentlemen, that is absolutely no safeguard, as it is humanly impossible under the law and the decisions and the way the steamship business is conducted to ever prove the privity required by the statute.

I noted several of the Members shaking their heads when I referred to the limited liability law being applicable in the United States courts to foreign owners of foreign ships as against claims for losses suffered by American citizens. It was so held in the case of *Oceanic Steam Navigation Co. v. Mellor* (the *Titanic*) (233 U. S. 718). The case of the *Lusitania* will be found in 351 Federal, 715. I might say right here that England has modified the law and, while it has not entirely repealed the limited liability statute, it does impose a minimum liability on the owners, where the ship is a total loss, of £15 a ton for loss of life and £8 a ton for loss of freight. That is a total—let me see—of about \$115 a ton.

A splendid and scholarly review of the history of the owners' liability law will be found in the case of *The City of Norwich* reported in 118 United States, 468. That was really the test case, and as I said before it was decided in 1886. Several like cases were considered by the court at the same time and the question of whether or not insurance was applicable to the payment of damages or could be pocketed by the owners came up in the case of the *Great Western*, reported in the same volume on page 521, and it is in this latter case that a strong dissenting opinion was rendered. The dissenting opinion was rendered by Mr. Justice Matthews, with whom concurred Justices Miller, Harlan, and Gray. In this case, like in so many other cases where a property right was placed above a human right, the court decided by a divided vote of 5 to 4. I just want to read the closing statement in the dissenting opinion referring to the insurance feature of the case. Mr. Justice Matthews closed the dissenting opinion in these words:

We can not bring ourselves to think that Congress intended by limiting the personal liability of the shipowner, in cases where previously his whole fortune was responsible for the wrongs committed through his agents and representatives, to the value of his interest in the ship, which was the instrument of the injury, to permit the innocent party suffering the damage to go entirely without redress, when the vessel in fault, by disaster subsequently happening during the whole period of the same voyage, has been totally lost, and the owner, by a contract in force when the wrong was done, receives full compensation by way of insurance for the loss he has incurred, and has thus restored to him the offending vessel, not indeed in specie but in value. It seems to us it is the meaning of the statute that the owner shall receive no pecuniary benefit from his interest in the vessel doing the wrong which shall not inure to the compensation of him who has suffered the loss which it has caused. And that meaning Congress has taken pains to express by the use of the word "interest" as the subject which, or the value of which, the owner must surrender and transfer or account for, as the price of his immunity from personal liability, because it is appro-

prate to convey the idea, being large enough to embrace, not the mere legal title to the vessel or the wreck and remnant of her which may be saved from the perils of the voyage but every claim and benefit which constitutes to the owner its substance and value, capable of measurement in money.

I am sure that we have outlived the necessity of limited liability and I am certain that a study of existing law and prevailing conditions will result in the repeal of the statute. I can think of nothing that will make ships safer than repealing the limited liability provision of the law. It certainly is cheaper under existing law for owners to lose the entire ship, pocket the insurance money, and escape the payment of all damages. Once the liability is removed we will have little trouble in making shipowners comply with all the safety provisions of the law.

I have introduced a bill to repeal the limited liability section of the law. The bill has been referred to the Committee on Interstate and Foreign Commerce. Personally, I believe that it belongs to the Committee on Merchant Marine and Fisheries. I intend to confer with the chairmen of these two committees so that proper reference may be made. I do hope to get some action on it.

I do not say that we can sit here and on the spur of the moment revise these laws. I do not believe that a congressional investigation would do any good, because other fact-finding agencies of the Government have already attended to that. But I do believe that we should give this matter serious study and consideration and do it speedily. I suggest in my resolution (H. J. Res. 329) a commission to take all of the available data, to take the experience of the past, to study the laws and the treaties existing, and to make specific recommendation to Congress for the revision of our shipping laws.

I provide in my resolution for a commission to consist of three Members of the House; two Senators; an officer from the Bureau of Construction of the Navy; the senior naval officer; a delegate to the Conference at London for the Revision of the Convention of 1914 for the Safety of Life at Sea—and I will tell why in a moment; the Supervising Inspector General of the Steamboat Inspection Service of the Department of Commerce; a naval architect from the Naval Architects' School of the University of Michigan, and one from the Massachusetts Institute of Technology; a representative from the American Shipping Bureau, and one from the Society of Naval Architects. That would be a well-balanced commission. They could take their time and would necessarily have to wait the result of the London conference and take the findings of the conference into consideration. That is why I include the senior naval delegate from the United States sitting in the conference as a member of the congressional commission. That would establish the necessary contact between the London conference and this commission.

Mr. Speaker, I believe it necessary that such a resolution be passed. I do not care whether it be mine or some one's else, because I have no pride of authorship, but I think it should be passed at this session of Congress.

To show how sometimes we act hastily, although in the particular instance to which I shall refer we acted on good advice, we appropriated \$12,000,000 for the reconditioning of the *Mount Vernon* and the *Monticello*. Those two boats were built 26 years ago. They are of the old German school that departed from the accepted formula of beam and draft. They are very narrow. The Germans have gone back now to the old formula. Those ships have low stability. They are 26 years old. Each will be required to carry at least 1,300 tons of fixed ballast, besides their water ballast. Yet we appropriated \$12,000,000 to recondition them.

There is conflicting thought as to the advisability of reconditioning those two ships, and it is hoped that the appropriation will not be expended on those two old hulls, because the traveling public will be loath to take passage on them.

Mr. WAINWRIGHT. Who has the discretion in respect to that?

Mr. LAGUARDIA. I think it is in the Shipping Board. I do not think that I am violating any confidence when I suggest that any Member who is interested should consult some of the experts in the Bureau of Construction of the Navy, and consult some of the practical men who advise against this. It will take about a year and a half to recondition them, while it would take only two years, perhaps, to build new ships. In these days of keen competition, in the face of the splendid ships we are building of the type of the *Malola*, the *California*, and the *Virginia*, and those other ships I mentioned, it is simply ridiculous to spend that money on those two ships, and put them in the North Atlantic trade and expect to compete with the ships of foreign countries that we find in that trade, seeking American passengers.

Mr. WOODRUFF. Is it not a fact that the \$12,000,000 authorized and appropriated for the reconditioning of those two ships would build two new ships of the same capacity?

Mr. LAGUARDIA. Perhaps not entirely, but very nearly.

Mr. WOODRUFF. That is \$6,000,000 a ship, and I would say to my friend that \$6,000,000 even to-day will build a mighty fine ship.

Mr. LAGUARDIA. It would certainly be criminal waste to spend it on those two ships.

Mr. WOODRUFF. I agree entirely with the gentleman.

Mr. GREEN. The decision to which the gentleman referred awhile ago, I believe, was in 1886. Does the gentleman recall whether the owners of that ship were at fault?

Mr. LAGUARDIA. That makes no difference.

Mr. GREEN. I want to ask the gentleman about the *Malola*.

Mr. LAGUARDIA. Let me make that clear. As I said before, if you can establish privity between the owners and the accident, which is almost impossible, then, of course, the limitation does not apply, but in doing that you have to practically establish criminal negligence.

Mr. GREEN. That was just what I wanted. Is this *Malola*, which the gentleman mentioned here, of the type commonly known as the nonsinkable?

Mr. LAGUARDIA. As near nonsinkable as a passenger ship can be. You understand, of course, you can make a warship more resistible to sinking than a passenger ship, because you must provide space in a passenger ship for cargo and passenger accommodations, such as large dining rooms, smoking rooms, and the like, while on a warship you can put several longitudinal bulkheads besides the cross bulkheads. Of course, it would not be possible to do that in a merchant ship required to also carry freight. But she is as nonsinkable as a passenger ship could be.

Gentlemen, I sincerely hope that Congress will no longer delay giving this subject consideration and action. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

#### DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. CRAMTON. Mr. Chairman, yesterday afternoon the item on page 70 referring to fees for examining surgeons, Bureau of Pensions, was passed over until to-day.

The CHAIRMAN. Does the gentleman desire to return?

Mr. CRAMTON. I desire to return to it.

The CHAIRMAN. The gentleman from Michigan desires to return to page 70 under the arrangement made at the last sitting of the committee.

Mr. CRAMTON. At that time there was pending an amendment to the paragraph which I had offered following the action on the point of order. Since our adjournment I have discussed this matter with the Commissioner of Pensions, and I have here a memorandum from him and I will be glad to have it read, if it is desired, suggesting the importance of the paragraph. I have discussed it with the gentleman from Wisconsin [Mr. SCHAFER], who has, as I understand, given it other study and made investigation. The gentleman from Wisconsin suggests a change in the language further to perfect the situation. That change in language is indorsed by the Commissioner of Pensions and is entirely satisfactory to our committee.

Mr. JOHNSON of Texas. Will the gentleman indicate what the change is?

Mr. CRAMTON. It is to perfect the situation as to the examinations already ordered. If permission is given me, I will withdraw the amendment, although perhaps I had better offer this as a substitute for the pending amendment.

The CHAIRMAN. The Chair will state there is an amendment pending offered by the gentleman from Michigan on page 70, line 5, striking out the paragraph and inserting certain language. Does the gentleman from Michigan ask permission to withdraw his amendment?



Mr. CRAMTON. No; I am offering this as a substitute for the other amendment.

The CHAIRMAN. The gentleman asks unanimous consent to offer a substitute for the amendment which he offered at the sitting of the committee on yesterday. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Substitute offered by the gentleman from Michigan [Mr. CRAMTON] to the amendment proposed on yesterday:

Page 70, line 5, strike out the paragraph and insert the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1920 and 1930, \$300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners not heretofore paid shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194), secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination alone, or otherwise, shall be \$5 for each examination, foreign or domestic."

Mr. BLANTON. I make a point of order against the amendment. It clearly violates the rule laid down by the Chair yesterday, in that it does not come within the provisions of the Holman rule. The Chair ruled on that yesterday, that where it gave the commissioner discretion to appoint more than one, he might appoint more than one in every case. It not only fails to come within the scope of the Holman rule on that but it clearly indicates that he can pay them \$5 apiece hereafter, which will increase the expense instead of lowering it.

Mr. CRAMTON. Mr. Chairman, if I could explain the details of the matter to the gentleman from Texas [Mr. BLANTON], he would not be disposed to insist on the point of order. It would be very easy, I may say to the gentleman from Texas, to so draft the amendment as to avoid the point of order.

Mr. BLANTON. Yes. That is what I think. But now the gentleman comes and puts back into the bill the very thing against which the Chair ruled yesterday.

Mr. CRAMTON. I have endeavored to meet the views of the gentleman from Wisconsin [Mr. SCHAFER] and have offered the amendment in this shape. It is a complete rounded-out provision.

Mr. BLANTON. It is in effect exactly the same as the gentleman proposed yesterday.

Mr. CRAMTON. Not absolutely. The amendment which I offered yesterday, to which no point of order was raised, and which is now pending—

Mr. BLANTON. Because the Chair ruled it in order as coming within the Holman rule.

Mr. CRAMTON. If the gentleman will permit, the amendment which I offered yesterday and which is still pending was of a legislative character. It was exactly the provision reported by the committee, except that there was omitted the provision permitting the Commissioner of Pensions in his discretion, where desirable, to order an examination before the full board instead of before one member. That is the only difference between the amendment offered yesterday and now pending and the original recommendation of the committee. I am sure the gentleman from Texas would not be opposed to that being included, because the Commissioner of Pensions assured our committee that there will not be a great many cases where he would order pensioners before the full board. But there are some in which it is desirable by the commissioner to have an examination before a full board.

Mr. BLANTON. But in that case the applicant for pension can get it only when the commissioner sees fit to give it to him. I have in mind some of our hard-boiled physicians in the Veterans' Bureau who have made ridiculous decisions in regard to disabled soldiers. In the Pension Bureau you have no appeal. When you have a hard-boiled physician he turns a man down and the man has no appeal at all.

Mr. CRAMTON. The only thing in this controversy now seems to be that one clause—

Mr. BLANTON. Which takes it out of the scope of the Holman rule—

Mr. CRAMTON. And which I can get around if the Chair forces me to. But let us consider the matter on its merits and vote it up or down according to the merits. If not, of course, all that I have to do is to redraft that amendment—

Mr. BLANTON. To conform to the Chair's ruling.

Mr. CRAMTON. To get around the Chair's ruling—

Mr. BLANTON. And the Chair will not let him do that.

Mr. CRAMTON. He will so long as I am parliamentary about it.

Mr. BLANTON. But the gentleman from Michigan comes back and offers the self-same amendment that the Chair has ruled out of order—

Mr. CRAMTON. With a provision in it that the gentleman from Wisconsin desired.

Mr. BLANTON. Fortunately for the country the Congress is composed of 435 Members, some of whom are from States other than Wisconsin, and all of whom ought to be heard in behalf of the people.

Mr. CRAMTON. Let me say to the gentleman from Texas that the amendment is one of very great importance to the good administration of the pension laws.

Mr. BLANTON. I am thinking about disabled soldiers obtaining a pension.

Mr. CRAMTON. And I am thinking about them, and also the Commissioner of Pensions is, and the commissioner emphasizes the need of this legislation. Of course, if my amendment carries as to this provision concerning these examinations before a full board—if it were to carry a provision to the effect that in no more than 10 or 20 per cent of the cases there should be such examinations before the full board, we would be keeping within the Holman rule, and we would be defeating the very thing the gentleman from Texas has in mind.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman stated yesterday that out in California, where one board made 30 examinations in a day, these physicians getting \$90 under the law would be getting entirely too much money. He is fixing it so that one physician in California can make 30 examinations a day and get for it \$150.

Mr. SCHAFER. Mr. Chairman, since this matter came before us yesterday I have made an investigation and have consulted the Commissioner of Pensions. It is not the intention to abolish the boards and give one member all of the examinations. The boards will be retained so that if their services should be required for a board examination they can be had. Under the proposed plan one physician will not make all the examinations which his board would make under the plan now in effect. The examinations will be assigned to various members of the present boards.

Mr. BLANTON. But this present commissioner may die or resign to-day and another commissioner may come in.

Mr. SCHAFER. I will say to the gentleman that from the standpoint of the pension boards in my district, which is a city district, perhaps the change is not necessary; but I have found upon investigation that in the rural communities there is a great hardship not only in having the board members travel many miles from their places of residence, but in having many of the veterans travel hundreds of miles to these boards; I have concluded after further investigation and consideration that it would be well to give the new plan a trial, and then if it does not work we can change it.

Mr. BLANTON. Mr. Chairman, I have not reversed my position. I make the point of order that it is in violation of the Chair's ruling.

Mr. CRAMTON. Mr. Chairman, in answer to that let me suggest this: There is pending now before the committee the amendment which I offered yesterday, which very clearly carries legislation in its last sentence, where it provides that the fee hereafter to be paid shall be \$5 instead of \$3. That is clearly legislation. It is true it could be sustained in an appropriation bill under the Holman rule, but the Holman rule does not take away its legislative character. It is still legislation. I am offering an amendment to-day that is also legislative, as the gentleman from Texas suggests, but it is germane to the amendment offered last night.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. That is the very position I took yesterday, and the Chair cited a decision rendered by the distinguished gentleman from New York, Mr. Hicks, which he showed does not sustain the gentleman.

Mr. CRAMTON. No; the gentleman from Texas is not following me, apparently.

Mr. BLANTON. Yes; I followed the gentleman. I took that position yesterday, and the Chair said—

Mr. CRAMTON. Mr. Chairman, I do not yield any further, because I want to complete my statement without taking too much time of the committee. The gentleman has not understood what I said at all. I am suggesting that because the amendment already pending is legislative in character the amendment which I now offer, which is germane, is in order.

Mr. BLANTON. Mr. Chairman, I want to be heard for just a moment. The Chair held this provision in order only because he said it came within the Holman rule and that on its face it showed it might bring about a curtailment in expenses, but the Chair would not rule to that effect until they cut out the provision which the gentleman from Michigan is now offering in this last amendment. Now, the Chair can not say that the last amendment will come within the Holman rule, because, as the Chair said the other day, the commissioner may appoint every single one of these three men on boards and may not save one single penny. The Chair can look only at the face of the bill, and the Chair has cited the decision made by Mr. Hicks, which answers the very contention made by the gentleman from Michigan, and I presume the rule which applies in committee one day will apply all the time as long as the same Chairman is in control.

Mr. JOHNSON of Texas. Mr. Chairman, I wish my colleague would not insist upon his point of order for this reason: If we are going to change this law, which it seems we are going to do, I think it preferable to give the commissioner discretion to have more than one doctor make examinations when deemed necessary, rather than the iron-clad rule that only one doctor should do so. I think the commissioner should have authority to exercise this right not only in behalf of the Government but in behalf of the applicants for pensions, so that if we should have a constituent who was examined and we were dissatisfied with the examination made by one doctor I feel sure the Commissioner of Pensions would, upon request, have him reexamined by the board of doctors. For that reason, I would prefer giving the commissioner discretion to appoint more than one physician to make an examination when he thought it necessary.

Mr. BLANTON. I would rather keep the law we have here than to be compelled to get down on our knees and beg the commissioner to do something which we can make him do by law.

Mr. JOHNSON of Texas. I do not think we would have to beg the present Commissioner of Pensions because I think he has been both courteous and fair in his treatment, not only of Congressmen but of applicants as well.

The CHAIRMAN. On yesterday the gentleman from Michigan [Mr. CRAMTON] offered an amendment which was pending at the time the committee rose and which reads as follows:

For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, \$300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1195, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions. The fee to be paid any such physician making such examination, alone or otherwise, to be \$5 for each examination, foreign or domestic.

The gentleman from Michigan [Mr. CRAMTON] thereupon made a short statement with reference to this amendment and it might be considered that that statement was debate and the Chair would hold that it was debate. To-day the gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to offer a substitute for the amendment which was pending and that consent was granted. The substitute reads as follows:

For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, \$300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners, not heretofore ordered, shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination alone, or otherwise, shall be \$5 for each examination, foreign or domestic.

This substitute is exactly like the amendment offered yesterday and pending to-day except that after the words "claimants or pensioners" in the second line of the proviso, this phrase is added, "not heretofore ordered," and also after the words "Commissioner of Pensions" in the phrase "duly designated for such examination by the Commissioner of Pensions," there is added this clause: "Except when in the judgment of the said commissioner the examination should be made by more than one."

The gentleman from Texas [Mr. BLANTON] makes the point of order that the substitute contains legislation and is therefore in violation of the rules of the House.

Whether the amendment offered yesterday by the gentleman from Michigan, for which a substitute was offered this afternoon, was itself out of order, it seems to the Chair is immaterial. The result, in the opinion of the Chair, will be the same. If the amendment offered yesterday was not subject to a point of order, the additions to that amendment in the substitute are clearly legislation and under the substitute repugnant to the rule. If the amendment offered yesterday came within the protection of the Holman rule, it contained legislation. The substitute offered to-day contains the same legislation and also additional legislation, in the opinion of the Chair. Both of the phrases added in the substitute are in the nature of additional legislation, but the Chair particularly calls attention to the second new matter in the substitute reading as follows:

Except when in the judgment of the said commissioner the examination should be made by more than one.

The Chair thinks that the rule laid down by the distinguished gentleman from Ohio [Mr. BURTON] in Hinds' Precedents, No. 4, page 563, states the condition of the rules and precedents of the House upon this subject.

Mr. BURTON, then Chairman of the Committee of the Whole House on the state of the Union, said:

The Chair will state that the general rule, apparently established, is as stated in the Digest:

"A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment."

"Now, it appears that a proviso was included here and passed without objection which would have been subject, the Chair believes, to a point of order. To that an amendment was proposed. There have been, as the Chair is informed, conflicting decisions, and it is desirable that a uniform rule be established. The rule has been applied that where a provision is inserted which changes existing law it may be perfected by an amendment (which is germane), even though not in accordance with existing law."

"The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order."

"So, if the amendment of the gentleman from California simply pertained to the proviso which was out of order—that pertaining to the Bertillon system of identification, which was allowed to enter the bill—it would be in order, but if it pertains to the whole paragraph relating to the enforcement of the Chinese exclusion act it is not in order."

The Chair, with some reluctance—

Mr. CRAMTON. Will the Chair permit an observation?

The CHAIRMAN. Yes.

Mr. CRAMTON. It is to be observed that both the changes that are proposed in the amendment now submitted and now before the Chair are changes that come more closely in harmony with existing law; that is to say, it exempts from the change all examinations heretofore ordered and that certainly leaves the existing law in effect as to examinations heretofore ordered. Secondly, the existing law provides for an examination before more than one, and the second provision refers to the examination before more than one in the discretion of the commissioner. Both changes are not getting further away from existing law, but are bringing the amendment more closely in harmony with existing law.

Mr. BLANTON. Will the Chair permit an observation?

The CHAIRMAN. Yes.

Mr. BLANTON. The Chair let the gentleman from Michigan bring in this legislation only upon the ground that it came within the Holman rule, and the Chair shut out that part which did not come within the Holman rule, and did so very properly; and the other day when the gentleman from South Carolina [Mr. STEVENSON] made his point of order on the word "hereafter," which was the only addition I had offered, and I made the very point that the gentleman from Michigan has now made, that where there is some legislation already, you can offer additional legislation, the Chair cited us to the decision by Mr. Hicks, of New York, which holds, just the same as Mr. BURTON's decision, that if it goes further, it is still subject to the point of order, and takes it without the Holman rule. If the Chair were to let the gentleman from Michigan do now what he sought to do the other day, it would be a reversal of the decision of the Chair.

The CHAIRMAN. The amendment, offered by the gentleman from Michigan yesterday, changed the existing law and provided that hereafter all necessary medical examinations of



claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended, and duly designated for such examination by the Commissioner of Pensions.

This changed the existing law, took away the board of surgeons, deprived them of their authority, but provided that hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon. Perhaps, the Chair should not state it took away the board of surgeons, because it does not do that directly. The board of surgeons might still be appointed, but they would not make any examination, because under the amendment offered yesterday all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon.

The substitute offered this afternoon provides, first, that hereafter all necessary medical examinations of claimants or pensioners, "not heretofore ordered"—making therefore two classes—shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended, and duly designated, and so forth, except that when in the judgment of the commissioner the examination should be made by more than one, it may be made by more than one.

It seems clear to the Chair that this substitute goes beyond the scope of the amendment of yesterday and adds new legislation, and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, and to simplify matters—

The CHAIRMAN. The Chair will state there is now pending the amendment offered by the gentleman yesterday. The substitute has been ruled out of order.

Mr. CRAMTON. Yes; I offer this as a substitute for the paragraph or as a substitute for the pending amendment; it does not matter.

The CHAIRMAN. The pending amendment must be disposed of.

Mr. BLANTON. A point of order, Mr. Chairman.

Mr. CRAMTON. Mr. Chairman, I offer the amendment in the nature of a substitute as an amendment to the pending amendment.

Mr. BLANTON. In order to get a ruling from the Chair and merely for that purpose I make the point of order that a Member, even though he be in charge of a bill, can not himself offer an amendment and then offer a substitute for his own amendment. If he wants to offer a different proposition, he must withdraw his amendment. It is something unheard of since I have been here for a Member to offer a substitute to his own amendment.

The CHAIRMAN. The Chair would like to hear the gentleman from Michigan. The Chair does not recall any decision on that matter and does not recall the practice.

Mr. CRAMTON. It is frequently the case that a Member offers an amendment to his own amendment. He has the same right to do that that any other Member has.

Mr. BLANTON. By unanimous consent.

Mr. CRAMTON. It does not require unanimous consent. I am in the same position as to the pending amendment as any other Member of the House.

The CHAIRMAN. The Chair will state that the rule in the House is that a Member may withdraw an amendment which he offers.

Mr. CRAMTON. I am not withdrawing this.

The CHAIRMAN. But in Committee of the Whole that practice is not permitted.

Mr. CRAMTON. I am not withdrawing the amendment; the amendment is before the committee and eventually will have to be acted on by the committee. I am placing before the committee the consideration of an amendment to that amendment, and I have the same right as any other member of the committee.

The CHAIRMAN. The Chair finds no precedent on the subject, and the parliamentary clerk informs the Chair that he does not know of any. The Chair will therefore decide it as a question of first impression. Under general parliamentary principles the Chair overrules the point of order. The Chair thinks that in the absence of a prohibition against a Member offering a substitute or an amendment, he has the natural inherent right within decorous conduct.

The Clerk will report the substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Strike out the paragraph on page —, beginning on line 5, and insert the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, \$300,000: *Provided*, That here-

after all necessary medical examinations of claimants or pensioners not heretofore ordered shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination alone, or otherwise, shall be \$5 for each examination, foreign or domestic: *Provided further*, That such examinations especially ordered by the commissioner before more than one shall not exceed 10 per cent of the total number of examinations."

Mr. BLANTON. Mr. Chairman, I make the point of order in good faith that this has in it more vice than the other amendment. This does not come within the Holman rule. If the Chair will notice, instead of being restricted to three surgeons, it is unlimited. If the commissioner wants to do so he could appoint 20 surgeons. He is not limited to any number; he could appoint 20 or 100. There is no limit whatever, and instead of paying them \$3 apiece as they are restricted now, by this amendment the fee is increased from \$3 to \$5. The commissioner could enlarge the board and be within the provisions of the bill. Say he was to appoint 25 surgeons in one case at \$5 each. The Chair can not determine upon its face that that would retrench expenses. I submit that it is an enlargement of the present law. It is a change of law on an appropriation bill unauthorized by law and does not come within the rule.

Mr. CRAMTON. Mr. Chairman, I insist, in so far as the amendment is different from the pending amendment, that taken as a whole it is in order under the Holman rule. The existing law provides for an examination by a board of three at \$3 each, or \$9. The bill proposes an examination by one at \$5, except that the commissioner may in his discretion order an examination by more than one, but the total of those examinations by the board must not exceed 10 per cent of the total. Therefore, the reduction from \$9 to \$5 will more than overbalance the 10 per cent. The gentleman from Texas urges that the number is not limited. These are examinations before a board. This goes back to the existing law, and under the existing law there are only three physicians on the board. These boards are continued, these surgeons are all members of the board, and so an examination ordered by more than one is ordered before that board. It is possible, of course, if there is any ambiguity in the language to correct it.

Mr. BLANTON. The gentleman might offer another substitute.

Mr. CRAMTON. Possibly I may be forced to do that, but the ambiguity is not present because the existing law creates the boards and limits them to three.

The CHAIRMAN. The Chair is ready to rule. The existing law, to which reference is made in the substitute, being found in the United States Code, page 1194, sections 71 and 72, reads, in the beginning, as follows:

The Commissioner of Pensions is authorized to appoint surgeons who, under his control and direction, shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board.

In the proposed substitute it is provided that—

Hereafter all necessary medical examination of claimants or pensioners not heretofore ordered shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one.

The gentleman from Texas [Mr. BLANTON] makes the point of order that under the language just quoted the commissioner might order the examination to be made by more than the number now constituting the board of surgeons. The Chair thinks that would be a very strained and far-fetched construction of the language, although it does seem that the language might a little more clearly limit the number that could be selected. However, the Chair thinks that the language in connection with existing law is plain enough to warrant and probably require, and the Chair thinks it does require, the construction that not more than three, being the membership of the board of surgeons, could be called in by the commissioner to examine a single case. That situation furnishes the only possible difficulty in the substitute.

Mr. BLANTON. Mr. Chairman, to relieve the Chair of difficulty, I withdraw the point of order.

The CHAIRMAN. The Chair is not under any personal difficulty. The gentleman from Texas apparently observing the trend of the opinion of the Chair, withdraws the point of order.

Mr. CRAMTON. Mr. Chairman, the amendment before us is one that we have discussed at some length, and in which I have had some difficulty. Now that the gentleman from Texas and I seem to be pretty much in accord again, I desire to propound a parliamentary inquiry. I would like to have that amendment before the House without that last proviso upon it and if the gentleman from Texas will be reconciled to have it that way—

Mr. BLANTON. Mr. Chairman, the Committee on Appropriations, headed by the distinguished gentleman from Michigan, is going to have its way anyhow, and why not let them have it now. [Laughter.]

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to modify the amendment before the committee by omitting the last proviso. That is the one with reference to the limit of 10 per cent of the examination.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify the substitute offered by him and now before the committee by striking out the last proviso. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, since I am on my feet I offer a statement from the Commissioner of Pensions with reference to this legislation, which I ask to have read from the desk.

Mr. BLANTON. Why take the time up in that way? Why not extend the gentleman's remarks and print it?

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting that statement at this time.

The CHAIRMAN. Is there objection?

There was no objection.

The statement referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
BUREAU OF PENSIONS,  
Washington, December 14, 1928.

Memorandum for Hon. LOUIS C. CRAMTON

Of the 66,714 certificates of medical examinations made in the last fiscal year, 54,518 were made by boards of surgeons and 12,196 by single examining surgeons.

In the adjudication of pension claims, just as satisfactory conclusion was reached as to degree of disability on the findings of one examining surgeon as on findings of boards of three examining surgeons. In fact, the complaints of veterans and veteran organizations against the work of boards far outnumbered complaints against the work of single surgeons.

As constituted, boards have a president, a secretary, and a treasurer and much of the work devolves on the secretary who, as a rule, is the dominant factor on the board and his work is usually concurred in by the president and treasurer. Each doctor receives \$3 for his services. This fee is not attractive to competent physicians who receive not less than \$5 for examinations made for insurance companies or other concerns, and medical associations, local, State, and National, frown down upon a fee of less than \$5 for medical examination work. On the present \$3 fee basis the bureau is satisfied that it is not getting as good service as it would on a \$5 fee basis, as the latter fee would attract to the Pension Office medical examination service a better class of physicians and result in more thorough and satisfactory work.

Other Government agencies having to settle medical questions, such as the Veterans' Bureau, Indian Office, Employees' Compensation Commission, Civil Service Retirement Division, do so, almost entirely, on the findings of single surgeons and the medical determinations on such examinations are satisfactory to both applicants and the Government.

Under the proposed single-surgeon plan on a \$5 fee basis there will result a saving of \$3.35, as under the present board system the average cost per examination is \$8.35. In other words, as the average annual number of board examinations is 50,000, the total savings should, conservatively estimated, be something over \$150,000 per year.

As the number of outstanding board orders at any given time is about 8,000, unless provision is made in the legislation for these examinations and at existing rates, the result would be confusion as to payment of fees and dissatisfaction among claimants with outstanding orders for medical examination, because otherwise every outstanding board order would have to be canceled and boards and claimants notified and new examination orders issued to conform to the new system of examinations. To take care of this situation the attached provision is suggested.

The present medical referee of the Pension Bureau and the Commissioner of Pensions have been closely observing the workings of the present board system of examinations, contacting with boards and veterans' organizations as to work of boards, and are satisfied that the proposed

single-surgeon plan is bound to result in more complete examinations and a service more satisfactory both to the Government and the veterans.

WINFIELD SCOTT, Commissioner.

The CHAIRMAN. The Chair would like to know if the gentleman from Michigan desires his statement read as well as extended?

Mr. CRAMTON. No; in response to the sentiment it is not necessary that it be read.

The CHAIRMAN. The question is on the substitute to the amendment offered by the gentleman from Michigan.

Mr. SCHAFER. Mr. Chairman, I rise in favor of the substitute. I was one of those who opposed this change in existing law yesterday when it was before the House. I have made a further investigation and have consulted with the Commissioner of Pensions and found that this is a proposition which he has advocated since 1928. One of the reasons why I opposed this proposition yesterday was that after carefully reading the entire testimony before the Subcommittee of the Committee on Appropriations I could not find any clear and convincing language indicating that the Commissioner of Pensions had approved the change. While the district which I have the honor to represent is a city district and the examining boards are convenient for my constituents, I found upon investigation that under existing law in many communities, especially the rural districts, applicants for original pensions and increases have a great deal of inconvenience, as on many occasions they have to travel long distances to an examining board. I have reached the conclusion that we should give this new proposition a trial, especially since I now know it has the whole-hearted approval of the Commissioner of Pensions.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan to his own amendment, the substitute being modified in accordance with his amendment.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now recurs upon the amendment as amended by the substitute.

The question was taken, and the amendment was agreed to.

Mr. KNUTSON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KNUTSON. I rise for the purpose of submitting a unanimous-consent request. I ask unanimous consent to return to page 61.

The CHAIRMAN. To what point?

Mr. KNUTSON. Line 17.

The CHAIRMAN. For what purpose?

Mr. KNUTSON. To offer an amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to line 17 on page 61 for the purpose of offering an amendment.

Mr. CRAMTON. Mr. Chairman, I suggest the amendment be reported pending the request.

The CHAIRMAN. Without objection, the amendment will be reported for the information of the committee.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 61, line 17, after the word "Interior," change the period to a semicolon and insert the following: "Provided, That not to exceed \$10,000 of the principal funds on deposit to the credit of the Chippewa Indians of Minnesota shall be immediately available for the purpose of aiding indigent Chippewa Indians upon the conditions herein named."

The CHAIRMAN. Is there objection to the unanimous consent? [After a pause.] The Chair hears none.

The gentleman from Minnesota has offered an amendment, which has been read, and, without objection, will not be reread. The question is on the amendment.

Mr. CRAMTON. Mr. Chairman, I will say the committee is quite in sympathy with the purpose and has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, there is pending before us, if I recollect correctly, the item at the bottom of page 79. I think it had just been read by the Clerk. Am I correct in that? Has the Kittitas item been read?

The CHAIRMAN. The reading stopped at the end of line 24 on page 79.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to that paragraph.



The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 79, line 24, after the figures "\$20,000," insert the following: "Continuation of construction, \$862,000: *Provided*, That the unexpended balance of \$138,000 of the appropriation of \$1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

Mr. CRAMTON. I wish the gentleman would make the point of order.

Mr. BLANTON. Has this new \$862,000 item been approved by the Budget?

Mr. CRAMTON. It has been.

Mr. BLANTON. Was an additional estimate sent in?

Mr. CRAMTON. No.

Mr. BLANTON. Has it been authorized by law?

Mr. CRAMTON. It is authorized by law.

Mr. BLANTON. Is there a law authorizing the expenditure of this \$862,000?

Mr. CRAMTON. Yes. And besides, it is in continuation of a work already in progress.

Mr. Chairman, the Kittitas division of the Yakima project in the State of Washington is one of the most important projects now under construction. It has been under construction for perhaps a year or two. For the present year the work is under way. At the end of this fiscal year the main canal will be completed to the Yakima River; also the north branch will be completed to Jones Creek on the north side of the Yakima River. The south branch of the canal will also be completed.

The program which the Budget sent to Congress was for \$1,500,000 for this project. That included an estimated cost of \$500,000 for a siphon to go under the Yakima River, and then \$500,000 for the construction of laterals subordinate to the north branch of the canal so far as constructed to Jones Creek, and then another \$500,000 to extend that branch of the canal from Jones Creek to Johnson Creek.

The situation surrounding reclamation in the West is one that has depressed our committee very seriously, and it is due to the fact that as projects are being completed in several States and water is made available, so frequently no use is made of the land; the work of settlement and development of the land for which the water is made available proceeds so very slowly. Therefore our committee feel that we ought to study very carefully the situation of projects under construction. We ought to take every action possible to insure proper use of these lands after the construction is completed. Oftentimes it involves the highest degree of cooperation as between the Government and adjacent communities, railroads serving that region, and even the States involved.

When the Commissioner of Reclamation came before our committee he reported to us that conditions were not satisfactory with reference to this project leading up to its final settlement. By reason of the showing made by the department, the committee omitted any item for construction. Just before the bill was reported, really too late for us to give it consideration in the bill, a representative of that district, who did not come here for this purpose but was on his way, arrived and in company with the Representative from that district, the gentleman from Washington [Mr. SUMMERS], he placed the situation very fully before our committee. Conferences were held with these gentlemen and with the Reclamation Service.

As the result of those further conferences, our committee felt it was not desirable to suspend the construction work, but we still feel it is desirable to slow it down somewhat, in the belief that thereby, there will be brought about a more active interest on the part of all elements concerned and that in the long run the project will be better off by some slowing down this year. Therefore the amendment which I have offered, by direction of my subcommittee, provides for an appropriation of \$862,000, plus a reappropriation of \$138,000. That gives them \$1,000,000 in cash for next year, which is \$500,000 below the regular Budget estimate.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BLANTON. Then the gentleman ought to revise the remarks he made in first debating this bill under general debate and claiming to keep it within the Budget estimates, because in addition to \$283,000,000 he first brought in, he has added from the floor already \$114,000, \$78,000, \$90,000, and now this very

enormous sum of \$280,000 more, so that the gentleman is building up quite an enormous bill out of his committee, from the floor and otherwise.

Mr. CRAMTON. If the gentleman desires, I will state that the bill as reported to the House was, as I recall, \$2,100,000, and a little more, below the Budget, and the \$114,000 and \$90,000 items are estimated for.

Mr. BLANTON. And yet \$10,000,000 more than the bill last year, which in turn was larger than the bill of the preceding year, and increasing all the time.

Mr. CRAMTON. The gentleman is wrong. I will say to the gentleman that the bill this year is lower than the bill of two years ago. The bill of two years ago was for \$311,000,000.

Mr. BLANTON. But it is \$10,000,000 more than the bill of last year, is it not?

Mr. CRAMTON. I think so, and for very good reasons. The gentleman does not want the pensioners to go without their money, does he? Did the gentleman vote for the bill to increase the pensions of Civil War widows to \$40?

Mr. BLANTON. Oh, yes.

Mr. CRAMTON. If so, that added \$10,500,000 to the annual expense of the Bureau of Pensions.

Mr. BLANTON. And these additions here of \$114,000, \$78,000, \$90,000, and \$862,000 are coming pretty fast.

Mr. CRAMTON. I do not yield further until I can answer the gentleman. This Congress can not pass authorizations for the spending of money and then object to appropriations to take care of those authorizations, and the increase in pensions for Civil War widows amounts to over \$10,000,000.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CRAMTON. The bill as reported to the House is \$2,100,000 below the Budget, and the bill as it finally becomes law will not be one penny above the Budget unless this House takes it away from our committee. I will say to the gentleman from Texas that we knew when we reported the bill that we had under consideration this Kittitas item and that there would be some of it restored. When I spoke on Tuesday I discussed this subject and stated then that the committee would very possibly have some amendment to offer for the consideration of the House when the item was reached. The increases we have offered do not take up the reduction that the committee recommended in the bill, so if the House sees fit to accept such amendments as we are suggesting the bill will go out of this House very far below the Budget estimate.

The CHAIRMAN. The Chair desires to ask the gentleman from Texas whether he withdraws his reservation.

Mr. BLANTON. This is not subject to a point of order, and I withdraw it.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. I would like to say, in regard to the amendment, that we very much appreciate the further consideration the committee has given this item.

This does not make an additional draft on the Treasury. This amount is to be appropriated from the Federal reclamation fund. The project is in the course of construction; it has been duly authorized by Congress and there have already been large sums of money expended. However, water can not be put on very much of the land until further construction is accomplished. The money already expended can not be returned to the reclamation fund until construction proceeds and water goes onto the land.

The Director of Reclamation says:

Dealings with the Kittitas reclamation district have been satisfactory and the financial condition of the district is apparently favorable.

Again he said:

The principal immediate need of the project is the rapid continuation of construction to reach the main body of irrigable land in the lower end of the project.

And coming from the Budget, from the President, and from the Director of Reclamation was the suggestion that there should be \$1,500,000 appropriated, besides the \$138,000 of unexpended balance. However, the committee at this time has not seen proper to include that whole amount that was recommended by the Budget and by the Director of Reclamation. I hope the committee will decide after further consideration to

adopt the language suggested by the Budget, which is as follows:

Yakima project (Kittitas division), Washington: For continuation of construction and operation and maintenance, \$1,500,000: *Provided*, That the unexpended balance of the appropriation of \$1,500,000 contained in the act making appropriations for the Department of the Interior for fiscal year 1929 (45 Stat. 227) shall remain available during the fiscal year 1930.

That is the quickest way of putting the project on a paying basis and securing repayment of funds already expended. Roughly speaking, two-thirds of the cost of the project has been expended, while only one-third of the land (and that the least-desirable land) can be put under water.

The Kittitas project of 72,000 acres lies in immediate contact with highly developed, settled lands that have been producing abundantly and profitably for 30 to 50 years. Many of the project's lands have been dry farmed or partially irrigated and farmed for many years. Railroads and highways traverse the tract. Ellensburg, the thrifty county seat, with a State normal school, banking facilities, and markets of every kind, is but a few miles distant. Thousands of reliable, responsible business and professional people and farmers are backing this project and are determined that it shall succeed. On further consideration, I believe the committee will approve the Budget's recommendation.

Mr. CRAMTON. Mr. Chairman, I should observe that I was in error in my statement of the amount the bill as reported is below the Budget. Instead of that amount being \$2,100,000, it is \$1,957,000.

Mr. BLANTON. That is close enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Secondary projects: For cooperative and general investigations, \$75,000.

Mr. LEATHERWOOD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. On page 571 of the hearings this colloquy occurred between the gentleman and Doctor Mead with reference to secondary projects:

Mr. CRAMTON. For secondary projects, for cooperative and general investigations, you want continued the \$75,000?

Doctor MEAD. Yes.

Mr. CRAMTON. You say you expect to spend all the appropriation for the current year?

Doctor MEAD. Yes. The expenses of the Colorado River Commission compelled us to drop everything else.

Is the gentleman able to state to the committee what Doctor Mead had in mind by that statement?

Mr. CRAMTON. As I recall, it was this special engineering commission or board of engineers with reference to Boulder Canyon Dam, which was authorized at the last session and was required to report at this session, and in their work the Reclamation Service, of course, cooperated and gave all the facilities that were requested.

Mr. LEATHERWOOD. That is the point I am getting at. Was there any money taken from the Reclamation Service and used for defraying the expenses of this commission?

Mr. CRAMTON. I can not answer that definitely.

Mr. LEATHERWOOD. The answer of Doctor Mead would imply that there was.

Mr. CRAMTON. Yes; I agree with the gentleman that would appear to be the case, and, of course, it would not be entirely improper if that proved to be the fact, for the reason that reclamation is involved in the Colorado River project. The item is reimbursable and if any money was expended for that purpose, it would be reimbursed from the Boulder Dam project; but I am speculating somewhat because I have no definite information.

Mr. LEATHERWOOD. I will say to the gentleman that the statement of Doctor Mead is so disconnected with anything that precedes or follows it that I was wondering if by some oversight something had been left out of the hearing.

Mr. CRAMTON. No; I think nothing of that kind happened. Our committee had before it the statement above in smaller type analyzing this \$75,000 item, and the examination by our committee was not very thorough on this item, but everything that there was is in the record, according to my recollection.

Mr. LEATHERWOOD. I have gone over the statement very carefully and I can find no reason for the statement of Doctor Mead in anything that precedes or follows it, and I am just wondering what he had in mind, and thought perhaps the gentleman could enlighten me.

Mr. CRAMTON. I have given the gentleman my impression of it. I may not be entirely accurate, but it is the best I can do. The pro forma amendment was withdrawn.

The Clerk read as follows:

Whenever, during the fiscal year ending June 30, 1930, the Commissioner of the Bureau of Reclamation shall find that the expenses of travel, including the local transportation of employees to and from their homes to the places where they are engaged on construction or operation and maintenance work, can be reduced thereby, he may authorize the payment of not to exceed 3 cents per mile for a motor cycle or 7 cents per mile for an automobile used for necessary official business.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph to ask a question. I want to ask the gentleman from Michigan if he does not think that this provision authorizing 7 cents per mile as an allowance where a Government automobile is used is rather high. They can make 300 miles a day which would mean an allowance of \$21 which they would be given for driving a Government automobile.

Mr. CRAMTON. It is their own automobile.

Mr. BLANTON. Oh, it may be a Reclamation Service automobile, and probably furnished most of the time.

Mr. CRAMTON. No, it is not. It is a privately owned automobile.

Mr. BLANTON. It does not say that, and the Reclamation Service has a number of automobiles. It can furnish a Government automobile and then allow an employee 7 cents a mile for maintenance, which is \$21 a day, because they can easily make 300 miles a day.

Mr. CRAMTON. This never applies to a Government-owned machine. This only applies to a privately owned machine.

Mr. BLANTON. Even in the case of a privately owned machine, 7 cents a mile would mean \$21 a day, and that is a high allowance for maintenance.

Mr. CRAMTON. And they, of course, pay the oil and gasoline expense.

Mr. BLANTON. They can drive a Chevrolet or Ford car of their own and pay for it in a short time if they are getting \$21 a day from the Government.

Mr. CRAMTON. This includes the cost of gasoline, oil, and tires, and also includes depreciation.

Mr. BLANTON. Yes; but \$21 a day would be a very high allowance for a Ford or Chevrolet.

Mr. CRAMTON. That would be an exceptional case in any event. There would not be much profit in driving your own automobile on this basis.

Mr. BLANTON. I think that is rather high and this simply sets a precedent.

Mr. CRAMTON. This is not a precedent. There are many of these cases. This is not a new item this year, and this is not the only place where this plan is followed. This is quite general in the Government service.

Mr. BLANTON. Of course, this paragraph is very adroitly drawn to come within the Holman rule, because it provides that only when he can decrease expenses can he make this allowance. What is the present allowance?

Mr. CRAMTON. This is what has been allowed for some time.

Mr. BLANTON. I know that; but what is the present allowance?

Mr. CRAMTON. This is the allowance now, and what the language about decreased expenses means is that they can travel in this way instead of some other way that is authorized by law.

Mr. BLANTON. There is no way of taking it out on a point of order because, unfortunately, it does not change existing law. I want, however, to file my protest against this allowance. I think it is exorbitant.

I withdraw the reservation of a point of order.

The Clerk read as follows:

For engraving and printing geologic and topographic maps, \$107,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. I would like to ask the gentleman in charge of the bill if there was any discussion before the committee with reference to cooperating with the States in securing maps of forest reserves within the State with reference to fire protection? The State of Michigan would be willing to appropriate \$50,000 provided there was an appropriation carried in the survey item that would allow the making of maps of forest and forest reserves.

Mr. CRAMTON. The questions are not necessarily so closely related as the gentleman has in mind. This item is in reference to topographical surveys.

Mr. HUDSON. I know that; but I was asking for general information.



Mr. CRAMTON. This item would not have anything to do with fire prevention. I expect that that would come under the Agricultural Department bill so far as the prevention of fire in national forests. I think I know what the gentleman has in mind. The Geological Survey makes topographical maps, and in that work the States cooperate, including the State of Michigan. A part of that work involves the use of air photography, and we have been working to get better cooperation between the War Department and the Interior Department in that matter. In that connection I think the director of the Geological Survey of Michigan has urged the other subjects, which so far as I know goes outside of the Geological Survey. The maps the gentleman speaks of, although it has been urged, I do not think will fit in with this work. I mean the fire prevention.

Mr. TEMPLE. The Geological Survey makes these topographical maps for every purpose. We have been trying as much as possible to get away from making special maps that serve only one purpose. A topographical map is a map for everything. I think the proper solution is to go on with the topographical maps for fire prevention and every other purpose.

Mr. CRAMTON. In so far as we have anything to do with it it is a topographical map. As far as it involves aerial photography our committee insists that the War Department shall cooperate and push the work more rapidly than heretofore. If the State of Michigan wants \$100,000 worth of topographical work in one year, if they will appropriate \$50,000 that will be met by \$50,000 from Federal funds. In the last three or four years our committee has recommended sufficient money in topographical survey work to match the State contributions.

Mr. HUDSON. I feel sure that the gentleman from Michigan is ready to recommend the passage of such legislation as will provide funds that can be matched by Federal funds.

Mr. CRAMTON. The policy of our committee is not to force the work under the Temple bill, which provides for the completing of topographical maps in 30 years, but to appropriate enough money to match the State contributions so far as they can reasonably be forecast. It is not possible for the Survey to have a high peak one year and cut it down the next.

Mr. BLANTON. There are \$270,000,000 in the Treasury bill that the two gentlemen from Michigan do not need, and you might use some of that for these topographical maps.

Mr. HUDSON. Yes; that might be for fire prevention.

Mr. BLANTON. Fire water.

The Clerk read as follows:

During the fiscal years 1929 and 1930, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for topographic mapping projects, in so far as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army and Navy flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, and the Department of the Interior is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the War or Navy Department is unable to furnish such photographs in time to meet the needs for which they are requested, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs.

Mr. CRAMTON. Mr. Chairman, with reference to this item, which ties in in a very important way with what my colleague from Michigan [Mr. HUDSON] has been discussing, the use of aerial photography, and our effort to get cooperation necessary between the departments, I ask unanimous consent to extend my remarks and therein to include one or two letters.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks and include therein some letters. Is there objection?

There was no objection.

Mr. CRAMTON. In our hearings, as well as in the hearings on the War Department bill, appears considerable concern concerning the effort our committee has been making to secure effective cooperation of the War Department in the making of aerial photographs in connection with the work of topographic surveying. Full cooperation in that way will greatly promote this important topographic work and save money, but such cooperation has not been secured in a way to be very helpful. Delays have frequently amounted to denial.

An illustration was last year in Yosemite National Park, where the photographs were to serve the purposes of the special Yosemite commission as well as the topographic survey. The following memorandum illustrates the delays and the haphazard

compliance that has greatly weakened the value of the cooperation rendered by the Air Service of the Army in this work:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington.

Memorandum for Hon. LOUIS C. CRAMTON

As per your verbal request, there are attached hereto copies of such letters as we have in our files relative to a photographic survey of the Tuolumne Meadows in Yosemite National Park, which we hoped to have made by the Air Corps of the War Department and the Geological Survey.

You will note that we initiated proceedings through the Geological Survey by conference on August 31, following up this by an official request on September 1, that the Director of the Geological Survey made a prompt request upon the Air Corps on September 4, and that we were advised that orders had been transmitted by the Air Corps to Crissey Field at San Francisco on September 17. Inquiry at the survey, however, reveals that these orders were not received until October 20. I also find, nevertheless, that a flyer from Crissey Field made a preliminary flight over Tuolumne Meadows on or about September 25 without waiting for specific orders in order to test out flying conditions and cameras. In this flight he took pictures of the Tuolumne Meadows area and also of Yosemite Valley, copies of which were delivered to the acting superintendent in Yosemite Valley in time for use by the Board of Expert Advisers, at the time of their meeting in Yosemite Valley on November 1. While these pictures, I believe, satisfactorily served the board in making tentative studies of a development program in Tuolumne Meadows, I am advised by the Geological Survey that they will not serve for making the topographic survey intended to be made by the use of aerial photographs, so that even yet, our request for pictures suitable for an aerial photographic survey has not been met. Furthermore, on account of the lateness of the season, the Geological Survey requested the Air Corps to abandon the project.

Officers of the Geological Survey tell me that the flying personnel of the Air Corps are enthusiastic over this type of work and prosecute the assignments vigorously once the assignments are made.

W. B. LEWIS,  
Assistant to the Director.

I am sure that the matter can be worked out in a way to be helpful to both the Air Service and the Geological Survey, as well as the Federal Treasury.

The Clerk read as follows:

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Total, United States Geological Survey, \$2,040,800.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word. I would not detain the House except for the purpose of expressing my very great appreciation for the laborious services which the chairman of the subcommittee [Mr. CRAMTON] has given to the preparation of this bill. With painstaking care he has scrutinized every paragraph in it and required those under whose supervision the money is to be expended to justify every item in it. He has protected the Government's interest in every item and has been just in the consideration of all of them.

He has exhibited sound judgment and splendid business ability in the preparation of every item in this bill. He and the other members of the subcommittee met a number of days prior to the convening of Congress to begin the preparation of the bill, and it is due to their efforts that this bill was prepared and reported for early consideration during the present Congress. I want to commend him particularly for his earnest consideration and fair treatment of the large number of Indian tribes scattered for the most part throughout the Western States.

All of the items in the bill present an interesting study. The Indians are wards of the Government. They have been under the supervision of the Interior Department since that department was created in 1849. It is estimated that there are approximately 350,000 in the United States. To deal fairly and justly with all of the members of the various tribes is not an easy matter. The treaties and agreements or laws respecting each tribe may and do differ in some respects. Some tribes are more advanced than others. Some members of a particular tribe need the close supervision of the Government.

I want to make this statement in order to impress upon you that all tribes could not be similarly dealt with, and for that matter there is a vast difference in administration between the individual members of the same tribe. Mr. CRAMTON and the other members of the subcommittee have given painstaking care in their study of the Indian question, and I want to express my very great appreciation on behalf of the Indians of

the Nation and of my State for the generous treatment given the many items in the bill. I can not too highly commend each one of them. In my judgment, by far the most important items for consideration are appropriations for education and health work among the Indians. Of course their property must and should be preserved. We are, however, greatly interested in the development of the individual Indian so far as we can to make him a self-sustaining, productive citizen of the Republic. To do this the Indian citizen must acquire a knowledge of the English language. He must not only be taught the English language but he must learn to think in it.

This bill makes generous appropriations for the education of the Indian. There is recommended for appropriation out of the Federal Treasury for educational purposes \$7,994,000, and out of tribal funds \$1,149,000, or a total of \$9,143,000, being an increase of \$855,000 over the amount appropriated for educational purposes for the year 1929. There are many splendid Indian schools in the United States. They are doing a great work. The boys and girls attending these schools are given an industrial education. As to boarding schools, there are what is known as "reservation" and "nonreservation," and the expenses of some of these are paid out of the Federal Treasury, while the expenses of others are paid from their tribal funds, the distinction being whether any tribe has sufficient of its own tribal funds for the maintenance of the schools. In addition to the boarding schools, tuition is paid for the attendance of Indian children in public schools throughout the Western States. In my State of Oklahoma there is an appropriation of \$250,000 for the payment of tuition for Indian children, in lieu of taxes not collected from tax-exempt Indian lands, in the rural schools.

Before the convening of another session of Congress, it is the hope and expectation of the subcommittee to make a thorough study of this question with a view of determining the equitable amount that should be paid from the Federal Treasury in the support of rural schools in the several States, including my State of Oklahoma.

I am sure that a full and fair investigation will convince the subcommittee that larger appropriations should be made and that this amount will be increased at the next session of Congress. In Oklahoma 10 cents per day is paid for tuition for each Indian child attending rural schools. In other States the average is approximately 40 cents per day.

A number of boarding schools are maintained by both Federal and State funds for Indian pupils in Oklahoma, for which there is carried an appropriation in this bill, including the appropriation of \$250,000 for tuition in rural schools, amounting to a total of \$1,177,800.

The bill carries an appropriation for schools, both day and boarding schools, of \$1,177,800; for Chillico, \$232,500; for the Sequoyah Orphan Training School, \$93,000; for Bloomfield Academy, \$52,600; for Euclee, \$39,775; for Eufaula, \$58,625; for Haskell Institute, \$284,500. Of this amount, \$105,800 is for the benefit of Oklahoma Indians, inasmuch as 40 per cent of the children in attendance at Haskell Institute are from the Five Civilized Tribes. For Seneca, \$53,000, maintained from the lump-sum appropriation for schools. For the Osage Agency, \$8,000, payable from tribal funds. Two hundred and fifty thousand dollars in aid of the common schools of the Five Civilized Tribes and \$250,000 expended from the tribal funds of the Five Civilized Tribes, as follows: Seminole Nation, \$33,000; Chickasaw Nation, \$22,000; Choctaw Nation, \$195,000. Of this latter amount \$50,000 is for kitchen, dining hall, and auditorium at Wheelock Academy and \$3,000 for employees' cottage at Jones Male Academy. For school at Fort Sill, in addition to maintenance, \$15,000 is appropriated for additions to dormitories and \$21,500 for Cheyenne and Arapahoe schools for enlarging dormitories in addition to maintenance. These and other schools are maintained out of the lump-sum appropriation for Indian schools.

The bill carries an appropriation of \$120,000 for new hospitals in Oklahoma, as follows: For the Pawnee and Ponca Tribes, \$60,000; for an addition to the Kiowa Hospital at Lawton, \$60,000; and \$150,000 for the maintenance of the following hospitals: Cheyenne and Arapahoe Hospital, \$25,000; Choctaw and Chickasaw Hospital, \$45,000; Shawnee Sanatorium, \$48,000; Claremore Hospital, \$25,000; and Seger Hospital, \$7,000, or a total of \$270,000 for new construction and maintenance.

The office of the Superintendent for the Five Civilized Tribes is provided for in the lump-sum appropriation of \$925,000, out of which approximately \$203,000 is allocated to this agency. This office is placed under the civil service, as it should be, to remove it from the influence of partisan politics.

The bill carries many other items for fulfilling treaty stipulations with the various tribes throughout the Western States, 33 of which are in Oklahoma. Of the approximately 350,000 Indians in this country, 123,000 are in my State of Oklahoma.

This bill authorizes for administrative purposes the expenditure of \$180,000 for the Osage Agency out of tribal funds and \$16,000 for the Quapaw Agency out of the Treasury.

There is carried in this bill an appropriation of \$243,211,000 for pensions for the fiscal year ending June 30, 1930. This is an increase of \$11,458,000 over last year.

There is appropriated for the Bureau of Reclamation, \$6,449,000; for the Geological Survey, \$2,040,800; for the National Park Service, which is being expanded and enlarged, \$8,340,940; for the Bureau of Education, including expenses in Washington and in Alaska, \$1,071,940. This bill carries an appropriation for the Federal expenses in the Territories and Alaska Railroad of \$1,419,600; for St. Elizabeths Hospital, \$1,430,000; for Columbia Institution for the Deaf, \$120,000; for Howard University, \$600,000; for Freedmen's Hospital, \$260,180. In addition, appropriations are carried for the office of the Secretary of the Interior aggregating \$917,000; for the General Land Office of \$2,159,400. The total amount carried for the Indian Service is \$16,472,103.02, which is an increase of \$2,187,594.02 over the amount appropriated for the past year.

The hope is that we may give the Indian an industrial education and ultimately free him of all supervision of every kind and character.

In Oklahoma there were 101,508 enrolled allottees of the Five Civilized Tribes. Approximately 9,000 of these allottees are now restricted or under the supervision of the Federal Government.

It is important to each State that the Indians be taught to be productive citizens of the State and Nation. That is the object of the Indian Bureau. That is the purpose for which these appropriations are made. We are making rapid strides to that end. Within approximately 25 years the Indian question will be entirely solved. Many people do not understand why the expenses for the Indians increase instead of decrease. The reason is that the Government is now attempting to deal with the Indians individually instead of collectively as tribes. Formerly the Indians had large acreages of land and lived upon reservations, and those in charge of the administration of Indian affairs came in contact with the Indians as tribes and not as individuals. Now the Indian Service is attempting to come in close contact with every individual restricted Indian in the hope that through encouragement and the lending of a helping hand he may be lifted to a plane of equality in every respect with his white neighbor with whom he comes in contact and with whom he must in a large measure compete. To do this the Government must teach him either individually on farms or through industrial training in boarding schools the value of his property and how to handle it. This requires sympathy and patient study on the part of a large number of employees. The friends of the Indian, who have given this question long and painstaking study, are convinced that this is the proper solution of the Indian question. Develop him through giving each individual Indian a little more responsibility, make him appreciate the value of his property, train him industrially in boarding schools, on the reservation, and on the farm. Slowly but gradually enable him to take up all the duties of citizenship.

Rapid progress has been made during the past 25 years. Let us not be too impatient. Let us keep in mind and always remember that the Indians must overcome all handicaps and not only acquire a knowledge of the English language, but we must learn to think in it as well. There have been many notable Indians in the past 100 years who have contributed to the enrichment of the citizenship of this Nation. I have frequently expressed the thought that it was of far greater importance to develop the individual Indian into a productive and honored citizen of the State and Nation than through technicalities assist him in accumulating more property at the expense of paying his honest obligations, thereby losing his own self-respect and the confidence of the people with whom he associates. There is not a parent in the Nation who would not rather see his boy or girl brought up to manhood and womanhood fully equipped for the duties of citizenship than to conserve his property at the expense of his educational and moral development.

The Indians are the wards of the Government, and they should, as I believe they do, receive the generous, sympathetic consideration of the Nation.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment, to say just a word along the line of the remarks by the gentleman from Oklahoma [Mr. HASTINGS]. The gentleman from Michigan [Mr. CRAMTON], who has charge



of this bill, has not only performed a notable work in connection with the hearings and preparation of the bill but also by taking advantage of the information that he has thus gained has utilized it for the benefit of the House and the country by applying it to the consideration of other legislation. He diligently watches proposed legislation that would affect appropriations for the department which this bill provides for. What I have said regarding the gentleman from Michigan applies to other chairmen of subcommittees of the Committee on Appropriations. The gentleman from Idaho [Mr. FRENCH], for instance, who sits before me, the chairman of the Subcommittee on Appropriations for the Navy Department, in addition to his close attention to his own appropriation bill is always on the alert for bills affecting the department with which he has particularly to do on the Committee on Appropriations, and concerning which he is so well informed. Personally, I wish to thank these two gentlemen and the others who, like them, are doing this kind of work. It is work that ought to be genuinely appreciated by Congress and by the country.

The Clerk read as follows:

Bryce Canyon National Park, Utah: For administration, protection, and maintenance, \$6,300; for construction of physical improvements, \$19,800, including not exceeding \$8,200 for the construction of buildings, of which \$4,000 shall be available for an employee's residence and \$3,600 for two comfort stations; in all, \$26,100.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. This is the first time that the item for Bryce Canyon National Park has appeared in an appropriation bill. I rise to express appreciation for the work that has been done in bringing this great area into the national park system. A few years ago three different agencies had supervision over the lands embraced in Bryce Canyon National Park. The Forest Service supervised part of it, and did some excellent work, too, in developing the area; built many fine roads leading up to the canyon. The State of Utah had jurisdiction over a part of the land and leased a part to the Union Pacific Railroad Co. It was seen long ago that it would be greatly to the advantage of the area if it were all embraced in a national park, and I rise to express a word of appreciation for the men who have cooperated in bringing about this happy result. The Union Pacific officials did their part, the officials of the State of Utah did their part, and the Forest Service and park service have cooperated splendidly.

Also in connection with what has been said, permit me to express a word of appreciation concerning the work of the gentleman from Michigan [Mr. CRAMTON], chairman of this committee for the work he has done. In Utah we appreciate very much the spirit of cooperation that has characterized all who have been connected with the bringing about of the creation of Bryce Canyon National Park. It is a wonderful area and is now added to the family of parks under the supervision of the National Park Service. One may now leave Cedar City, Utah, and go to Zion National Park, thence to the north rim of the Grand Canyon of the Colorado through the beautiful Klabab Forest and return via Bryce Canyon National Park and Cedar Breaks, and enjoy one of the most marvelous trips in the world. The Union Pacific system is spending millions to advertise and develop that whole area. With Bryce Canyon now a national park and with the completion of the Mount Carmel Road, we are looking forward to an era of great development. We appreciate this fine spirit of cooperation.

The Clerk read as follows:

Platt National Park, Okla.: For administration, protection, maintenance, and improvement, \$16,200.

Mr. SWANK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SWANK: Page 94, line 21, strike out the figures "\$16,200" and insert "\$18,000."

Mr. SWANK. Mr. Chairman, this amendment increases this appropriation reported in the bill by \$1,800, or up to \$18,000, the amount appropriated for the present fiscal year.

Mr. CRAMTON. Mr. Chairman, the amount each year appropriated includes not only administration, but some improvements, and for the current year there was necessity for a little more than that here proposed for the next year. I am not sure what the item was. It seems to me it was something about the water supply, but I am not sure about that, but I do know in 1928, \$12,096 was available at this park for administration and in 1929, \$14,400, and for 1930 that same amount. It seems to be sufficient to continue the administration, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, since becoming a Member of Congress in 1921, I have worked at all times for an increased appropriation for Platt National Park, which is the only national park in Oklahoma. I am glad to say that these appropriations have been increased from \$6,000 in 1920 to \$18,000 for the present fiscal year, yet in this bill the Committee on Appropriations has recommended \$16,200 for the next fiscal year. Many times have I called the attention of this House to the greatness and usefulness of this park. It is not a large park, but, in my judgment, does more good to our citizens than any of our other parks, and they should be judged largely for their usefulness and not altogether by their size and beauty.

The visitors are checked at Bromide Springs, where the record is kept. Previous to 1926, the National Park Service, in arriving at the number of visitors at this park, divided the number reported by the superintendent by four as an estimate of visitors, for the reason that some people visited the park more than once. While that is done, it is also true that thousands of people visit this park and are never counted as they do not go to Bromide Springs, where they are checked. There are many kinds of water in the numerous springs and many visitors go there for the hot sulphur baths, for the other water, and for pleasure without visiting the springs where visitors are counted.

The number of visitors at our leading parks for the past three years, as shown in the annual report of the Secretary of the Interior, is given in the following table:

Name of park	1926	1927	1928
Hot Springs (Ark.)	260,000	181,523	199,099
Yellowstone (Wyo.)	187,807	200,825	230,984
Sequoia (Calif.)	89,404	100,684	98,035
Yosemite (Calif.)	274,209	490,430	460,619
General Grant (Calif.)	50,597	47,996	51,988
Mount Rainier (Wash.)	161,796	200,051	219,531
Crater Lake (Oreg.)	89,019	82,354	113,323
Platt (Okla.)	124,284	294,954	280,638
Wind Cave (S. Dak.)	85,466	81,023	100,309
Sullys Hill (N. Dak.)	19,921	22,632	24,979
Mesa Verde (Colo.)	11,356	11,915	16,760
Glacier (Mont.)	37,325	41,745	53,454
Rocky Mountain (Colo.)	225,027	229,862	235,057
Hawaii (Territory of Hawaii)	35,000	37,551	78,414
Lassen Volcanic (Calif.)	18,739	20,089	26,057
Mount McKinley (Alaska)	533	651	802
Grand Canyon (Ariz.)	140,252	162,356	167,226
Lafayette (Me.)	101,256	123,699	134,897
Zion (Utah)	21,964	24,303	30,016
Total	1,930,865	2,354,643	2,522,188

During the years 1927 and 1928 but one national park had more visitors than Platt Park. This report shows that visitors in this park have increased from 27,023 in 1920 to 280,638 in 1928, and with adequate appropriations that number would be doubled. According to the reports of the Secretary of the Interior this year, Platt Park had more private automobiles entering it than any other park, with one exception. The automobiles entering the park have increased from 30,000 in 1922 to 70,000 in 1928. This place has been a noted health resort for many years, and long before Oklahoma Territory was opened to settlement. Before that time people went there for the medicinal properties of the water and get relief from their ailments. In Indian Territory days I have visited the section many times. In the more than 30 mineral springs you will find an abundance of sulphur, bromide, medicine, and pure water coming from the springs near each other. It is impossible to tell of the greatness and value of these waters in words. I wish you could see the many cures effected by these waters and hear the praise given by those who have been cured by their medicinal properties. People who visit the park find the waters an almost sure cure for all forms of digestive troubles, sleeplessness, skin diseases, and nervousness, and the black sulphur and hot sulphur baths are almost a sure cure for rheumatism. There are several fine swimming pools, excellently equipped and filled by pure sulphur water from deep artesian wells. This is not only a place where thousands are restored to health, but it is a place where people can enjoy themselves in other ways and by other sports. Near this park is the historic old Washita River that is not excelled by any river for fishing. The park is in the foothills of the Arbuckle Mountain Range and is a place of great natural beauty.

Adjacent to the park the State of Oklahoma erected its great soldiers' hospital for the care and treatment of our soldiers who were in the World War. The State has spent hundreds of thousands of dollars for the construction and maintenance of

this institution. The location was chosen by a committee of physicians after a most complete and thorough survey. Near the park is also located Oklahoma's School for the Deaf, which is one of the best of its kind in the country.

I wish the members of this committee could visit this park in the summer during the tourist season, and then you would be ready to provide more appropriations. It is not a local park but is national in its scope and in the good that it does. It is the duty of Congress to make adequate appropriations to maintain all our national parks, and Platt Park should be no exception. People of wealth visit this park, for they suffer with ailments as well as others. Most of the visitors are probably people of modest means, who can visit here and camp, if they like, free of charge in a healthy and sanitary location. Living conditions are reasonable and first class. It costs nothing to drink the water and bathe in the creeks entering the park. I favor a liberal program for our national parks for the benefit of our people who visit them.

Sulphur, the county seat of Murray County, where this park is located, is a community of energetic, Christian, law-abiding citizens, and they always extend a welcome to all visitors.

There is need of many improvements in this park in the way of additional bridges across the creeks, more improvement of the roads, extension of the sewer and water lines, more comfort stations, fencing, further improvements at the different springs, dams, drilling additional wells, improved camping grounds, and the erection of a new dwelling and office building for the superintendent and employees.

All that is needed to make this the most noted park in the United States and the largest in the number of visitors are adequate appropriations.

I have offered this amendment to only increase the appropriation for the next fiscal year to where it is for this year. The amount should not be reduced, and I sincerely hope that the committee will adopt my amendment.

The Clerk read as follows:

Rocky Mountain National Park, Colorado: For administration, protection, and maintenance, including not exceeding \$1,300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$82,400; for construction of physical improvements, \$13,600, including not exceeding \$7,500 for the construction of buildings, of which not exceeding \$2,000 shall be available for a stable, and \$4,000 for employees' quarters; in all, \$96,000.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. GILBERT. Mr. Chairman, I want to express my disapproval right now of the sentiments expressed by the gentleman from Colorado [Mr. TAYLOR].

We are rapidly following in the footsteps of monarchy. The strength and beauty of this country have always lain in its simplicity. It was not the intention of the framers of the Constitution that we should have castles in the mountains and at the seashore for our President, but it was the intention that we should have one simple home at the seat of government, the White House; and right now I want to seriously express opposition to any tendency to have a king or royal palaces or royal families in this country. The President has a palatial yacht lying in the Potomac and a traveling fund for any visits, and we have gone far enough in providing luxuries for our Presidents.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Yosemite National Park, Calif.: For administration, protection, and maintenance, including not exceeding \$3,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$3,200 for maintenance of that part of the Wawona Road in the Sierra National Forest between the park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and not exceeding \$2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including not exceeding \$10,000 for fire prevention and necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, \$325,000; for construction of physical improvements, \$87,360, of which not to exceed \$4,000 shall be available for a ranger station and barn at Glacier Point, \$14,100 for three employees' cottages, and not to exceed \$4,000 for payment of balance of purchase price of electric transmission line constructed in the park in 1925 by the San Joaquin Light

& Power Corporation under contract with the Department of the Interior, dated May 21, 1924, and payments heretofore made to said corporation toward purchase of said electric transmission line under the contract heretofore referred to by supplying surplus electric energy produced by the Government hydroelectric plant are hereby authorized and confirmed; in all, \$412,360.

Mr. CRAMTON. Mr. Chairman, I offer an amendment. On page 96, in line 25, after the word "and," insert the word "including."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 96, in line 25, after the word "and," insert the word "including."

Mr. CRAMTON. Mr. Chairman, the fear has been expressed that as it stands the \$10,000 would be held to include the expenses of that commission as well as the fire prevention. The intention is that the \$10,000 is to be available for fire protection and then the expenses of the commission are taken care of out of the general amount.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Carlsbad Cave Monument, N. Mex.: For administration, protection, maintenance, development, and preservation, including not exceeding \$800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general monument work, \$59,500; for construction of physical improvements, \$40,500, including not exceeding \$1,500 for an addition to the office building, \$4,000 for a power house, \$12,000 for additional water supply and water storage, \$12,000 for a sewage-disposal plant, and \$500 for a garage to be constructed in Carlsbad, N. Mex.; in all, \$100,000: *Provided*, That the Secretary of the Interior is authorized to accept that certain parcel of land in the town of Carlsbad, N. Mex., which has been tendered to the United States of America in fee simple, as a donation, for the site of superintendent's residence, and the appropriation of \$5,000 for the construction of a superintendent's residence, contained in the Interior Department appropriation act for the fiscal year 1929 shall remain available until June 30, 1930.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. ABERNETHY. Mr. Chairman and Members of the House, the item carried in this bill to enable the Secretary of the Interior to carry out the provisions of the act of February 1, 1925, and also the act of May 22, 1926, which has to do with the establishment of the Great Smoky Mountain National Park in the States of North Carolina and Tennessee and the Shenandoah National Park of Virginia, is not a very large one, but it indicates that the department is getting ready to establish these two great parks. I was honored by the Public Lands Committee of the House by being put in charge of this legislation when it was passed by Congress. There were those of this body who felt that the Government was going into projects that would cost the taxpayers a great deal of money, but I am happy to inform the House and the country that large areas of land have been secured, and are about to be secured, to be turned over to the Government for these parks without expense. The park in which I am primarily interested is the Great Smoky Mountain National Park.

Out of an area of 704,000 acres lying within the boundary line selected and recommended by the Appalachian Park Commission after careful inspection of the area, in effect that a park of 427,000 acres should be established. The act prescribed that when title to lands within the area referred to shall have been vested in the United States in fee simple the park is established ready for administration, protection, and development by the United States. Under authority of the act, under the direction of the Secretary of the Interior, the National Park Service has made careful inspection of the area and pointed out to the States of North Carolina and Tennessee where the acquisition of 427,000 acres should lie.

The act further prescribes—

That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such land shall be secured by the United States only by public or private donation.

Based upon careful estimates prepared by the experts of the North Carolina and Tennessee Park Commissions it was figured



that the acquisition of the land for the park would require \$10,000,000. The citizens of North Carolina and Tennessee had pledged \$1,066,693. In addition the State of Tennessee had purchased about 76,000 acres which had been accepted at a valuation of \$500,000 and authorized a bond issue of \$1,500,000, making in all a contribution from these States in pledges of about \$5,000,000, one-half of the amount considered necessary to acquire the park.

When the splendid efforts of the people and official representatives of the States of North Carolina and Tennessee became known to the Laura Spelman Rockefeller Memorial the memorial fund established by Mr. John D. Rockefeller, sr., in memory of his beloved wife, for purposes of general good, that memorial, of which Mr. John D. Rockefeller, jr., is president, pledged up to \$5,000,000, matching dollar for dollar the funds made available in North Carolina and Tennessee.

The respective acts of the States of North Carolina and Tennessee prescribing the acquisition of the necessary land for this park by purchase, condemnation, or otherwise have been found constitutional in both States. The moneys authorized by both States are available, releasing an equal amount of donated funds. In both the Tennessee and North Carolina park areas some lumber cutting among the virgin timber is still going on, and strenuous efforts are being made by the respective park commissions to enjoin such further cutting in order that these scenic values may be saved. Considerable progress has been made in the acquisition of land by purchase. Every assistance possible under the laws has been given by the Interior Department, particularly through Col. Glenn Smith, who is a member and secretary of the Appalachian Park Commission, and Mr. Stephen Mather, Director of National Parks, and Mr. Cammerer, the Associate Director of the National Park Service, who have spared no time or effort to expedite this project.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. I ask unanimous consent, Mr. Chairman, to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. The splendid assistance of the donors of the contributed funds is outstanding in its inspiration to the two States.

It is hoped that it will be only a matter of months now before the entire area necessary for the establishment of this park may be acquired, so that it may be tendered to and accepted by the Interior Department under the authorities of the various acts involved, and that thereby the southern Appalachian Range will contribute its wonderful share in adding its outstanding scenic attraction to that galaxy of national scenic wonders comprised in our national park and monument system. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of the Interior to carry out the provisions of the act entitled "An act for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks," approved February 21, 1925 (43 Stat. 958-959), the act entitled "An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes," approved May 22, 1926 (U. S. C., p. 1936, sec. 403), and the act entitled "An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes," approved May 25, 1926 (U. S. C., p. 1936, sec. 404), including personal services in the District of Columbia and elsewhere, traveling expenses of members and employees of the commission, printing and binding, and other necessary incidental expenses, \$3,000.

Mr. TEMPLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TEMPLE: Page 100, line 2, at the end of the line, strike out the period and insert a comma and the following: "And the unexpended balance of the appropriation for the above-mentioned purpose for the fiscal year 1929 shall continue available during the fiscal year 1930."

Mr. CRAMTON. Mr. Chairman, the committee has no objection to that amendment.

Mr. TEMPLE. If the chairman of the committee has no objection to it, I do not care to discuss it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. TEMPLE. Mr. Chairman, I would like to incorporate in my remarks a letter from the secretary of the Appalachian Park Commission bearing on the necessity of this appropriation.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing a letter from the secretary of the Appalachian Park Commission. Is there objection?

There was no objection.

The letter referred to is as follows:

RICHMOND, VA., December 13, 1928.

Hon. H. W. TEMPLE,

House of Representatives, Washington, D. C.

DEAR DOCTOR: I have just seen a copy of the Interior Department bill in which there is an item of \$3,000 to provide for the clerks' hire for our commission and the traveling expenses for the coming year.

At the time I made this estimate for funds to be expended during the coming year I had expected to use all the funds that had been made available for the commission's use for the fiscal year ending June 30, 1929. Unfortunately, I was unable to secure the services of the Army Air Service to secure the photographs needed in connection with the establishment of the boundary line of the Shenandoah National Park. Therefore I have not expended any money for this work and have it available to expend when I can secure the services of the Army or, if necessary, contract with commercial firms for the work.

However, there is another complication which has arisen within the last few weeks in that it seems now necessary to actually survey the proposed boundary line of the Shenandoah National Park and mark it on the ground in accordance with the line as indicated by Mr. Cammerer on the map which we completed this year. This will necessitate our going into the field again and expending \$1,000 or \$1,500 to determine whether this would be the practical and feasible way to insure the State purchasing the land which has been designated as acceptable to the Government for national-park purposes.

To do this additional work it will take more money than the \$3,000 requested for next year's appropriation, and I am writing you to ask if you will see Mr. CRAMTON and have inserted on the floor of the House when the Interior bill is considered an amendment making the unexpended balance of our appropriation for the Southern Appalachian Park Commission which remains unexpended on June 30 be made available for use during the fiscal year ending June 30, 1930.

With the expenses which we have in view between now and June 30, 1929, I do not believe there will be a balance of more than \$1,500 on June 30 that will be available for the fiscal year ending June 30, 1930.

Yours very sincerely,

GLENN S. SMITH.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The total of the foregoing amounts shall be immediately available in one fund for the National Park Service: *Provided*, That the Secretary of the Interior shall not authorize for expenditure prior to July 1, 1929, any of the amounts herein appropriated except those for construction of physical improvements, for tree-disease and insect-control work in Crater Lake, Mesa Verde, and Lafayette National Parks, and for administration, protection, and maintenance of Bryce Canyon National Park: *Provided further*, That in the settlement of the accounts of the National Park Service the amount herein made available for each national park and other main headings shall not be exceeded, except that 10 per cent of the foregoing amounts shall be available interchangeably for expenditures in the various national parks named, and in the national monuments, but not more than 10 per cent shall be added to the amount appropriated for any one of said parks or monuments or for any particular item within a park or monument: *Provided further*, That any interchange of appropriations hereunder shall be reported to Congress in the annual Budget.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 101, after line 20, insert:

"For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, \$250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the

existing national parks and national monuments not exceeding a total of \$2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government: *Provided further*, That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further*, That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further*, That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber."

Mr. BANKHEAD. Mr. Chairman, I want to reserve a point of order against the amendment.

Mr. CRAMTON. If the gentleman cares to reserve it, I would like to make a statement on the merits of the question and then I am sure the gentleman will not care to press any point of order that might lie against the amendment. A great deal of it is not subject to a point of order but some provisions are.

Mr. BANKHEAD. I think it is patent, from the reading of the amendment, that it is subject to a point of order. I want to put this proposition to the chairman of the subcommittee, because it is a matter that has been raised here several times in debate. If I, as a member of the Committee of the Whole, were to offer an amendment of this sort, I have no doubt the chairman of the subcommittee would very promptly make a point of order against it and insist on it.

Does the gentleman from Michigan think that the chairman of the subcommittee is setting a very fair example to be followed by the ordinary member of the Committee of the Whole when he constantly presents amendments that are patently subject to a point of order and that constitute new legislation? That is the question I want to raise, because it seems to me it is a matter of some importance to protect the procedure and integrity of the rules of the House.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment.

Mr. BANKHEAD. Specifically for the purpose of having the chairman of the subcommittee answer my inquiry.

Mr. CRAMTON. I am glad to do so, although, perhaps, not at as great length as I might some other time. The amendment has for its purpose the purchase of private lands in national parks. There is authority of law for that purpose. We could report here an amendment to spend \$5,000,000 of cash for that purpose and it would not be subject to a point of order. The authority already exists for that. Now, to safeguard the Treasury, in making such an appropriation, this item has been worked out. In the main it is not subject to a point of order, but there are some provisions that are in themselves minor as compared with the paragraph as a whole, but rather essential to it in its complete working out.

Our committee does not recommend legislation as such, but sometimes, where an expenditure of money authorized by law is desirable, it is desirable also to safeguard the Treasury by having some safeguards thrown around it. I would be glad to have the gentleman see fit to withdraw the point of order and then I will proceed to discuss the merits of it. I am sure that in this case the gentleman from Alabama will be absolutely in accord with the committee.

Mr. BANKHEAD. Well, Mr. Chairman, in the beginning I said it was not my purpose to really make the point of order, but I will ask the gentleman this further question: In instances of this sort, where it is patent that a violation of the rules is indulged in and legislation is brought in that has no legislation to support it, is it the policy of the chairman of the subcommittee to recommend to the legislative committee, in instances of this sort, remedial legislation that might make impossible the constant violation of the rules of the House with reference to items of this sort?

Mr. CRAMTON. Where it is possible, I will say, our committee works in close harmony with the legislative committees, and at my request the chairman elect of the committee that would have this in charge is on the floor, the gentleman from Utah [Mr. Colton]. He is thoroughly in sympathy with it and is prepared to support the amendment. It is not enacting far-reaching legislation.

The authority is already there to buy these lands and to spend exclusively Government funds, but we are trying to

arrange, I will state to the gentleman, to allow private individuals to stand half of the expense, and some details had to be worked out to meet that extraordinary situation.

Mr. BANKHEAD. I am willing to follow the gentleman's judgment on the practical phases of the bill and my real purpose in rising was to have the gentleman make a statement along the lines I have suggested.

Mr. CRAMTON. Answering the last question propounded by the gentleman, I will say that if something is of a legislative character and there seems to be an emergency we consult with the chairman of the legislative committee involved.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation.

Mr. CRAMTON. Mr. Chairman, I feel this is of such far-reaching importance, and there are some reasons why there should be some record in connection with it, that I want to take about five minutes, and perhaps a few minutes more, to put this situation before you.

I am tremendously interested in this amendment. There is nothing of greater importance to our national-park system today than the program that is proposed in this amendment. In all our national parks our committee have found privately owned lands. We have found that those privately owned lands frequently get in the way of the desirable development of the parks. That can happen either because the people who own them make an undesirable use of them, as compared with the park use, or that we want to develop the lands and can not do it because we do not own them.

So three or four years ago our committee commenced its study of this matter. Two years ago an item of \$50,000 for purchasing such lands was put in the bill without a Budget estimate, providing that private funds should match the Government appropriation for this purpose. Thereby we established what seemed to be a desirable policy with reference to this proposition. Last year the Budget accepted this policy and recommended \$50,000 more, which was appropriated.

In the meantime a survey of the situation has been carried on by the park service, with the result that a report has been made that it will probably cost from \$5,000,000 to \$6,000,000 to acquire these private holdings in all of the national parks. This report appears in the hearing.

The most acute situation in the national parks is in the Yosemite National Park.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMTON. There is a very acute situation in the Yosemite National Park. Eight thousand five hundred acres of land within that park, bearing some of the very best sugar pine and other pine in California, is owned privately and the holdings have been consolidated in one owner, who is operating his lumbering operations in that vicinity. Within a few weeks, or within the coming summer at the most, he will begin cutting the timber in this tract. The most important roads in that part of the park will go through this 8,500 acres or 13 square miles of timber. The Big Oak Flat Road for four miles will traverse this section. All the Tioga Road travel as well as from the Stockton country will come into Yosemite this way. The new road, which the city of San Francisco is to build, from Mather Station to Harding Lake, will go through it for two or three miles. This road, running for four miles along the south rim of the Grand Canyon of the Tuolumne will give a view of half the great Yosemite Park area and will provide a wonderful scenic route. Where there is now this beautiful timber, if you delay a few months longer, there will be only stumps to line these highways for several miles. It is a situation that does not permit further delay.

We have therefore been delighted because private sources have offered a contribution of \$1,000,000 to be matched by Government funds, particularly for this Yosemite situation, the balance to be used in other parks. We want to make available this \$1,000,000 that has now been offered, so that the cutting of this timber this summer can be prevented.

At the same time, we have reason to hope that if the Government manifests its definite policy and purpose to go ahead with this program, the entire contribution of \$3,000,000 from private funds will be forthcoming. This is the purpose of the amendment and the language of the amendment is sufficiently broad to accomplish the purpose. I would like to have offered an amendment here for \$1,000,000, but we can not absorb that in this bill. We can absorb the amount that has been suggested.



This makes it possible for the private donor to acquire these lands and later for us to acquire them at half the price that he pays for them, and later appropriations herein authorized can probably be somewhat deferred.

I will ask unanimous consent to revise and extend my remarks in the RECORD, and, Mr. Chairman, in so doing, I will want to include a telegram from Francis P. Farquhar, of San Francisco, representing the Sierra Club of California.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The telegram is as follows:

SAN FRANCISCO, CALIF., December 13, 1928.

HON. LOUIS C. CRAMTON,

House of Representatives, Washington, D. C.:

We are deeply concerned over threatened destruction Yosemite forests through cutting of private lands, which we understand likely to occur next spring unless purchased for Government ownership. Sierra Club at annual meeting last Saturday considered this most urgent problem confronting us and voted use every endeavor to arouse nation-wide action to prevent such disaster. We believe part of purchase funds can be raised by subscription, but task too large and time too short for accomplishment without Government aid. We have heard that appropriation is contemplated and hope this is true.

FRANCIS P. FARQUHAR.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Construction, etc., of roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks and monuments under the jurisdiction of the Department of the Interior, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, and the Grand Canyon Highway from the National Old Trails Highway to the south boundary of the Grand Canyon National Park as authorized by the act approved June 5, 1924 (43 Stat. 423), and including that part of the Wawona Road in the Sierra National Forest between the Yosemite National Park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and that part of the Yakima Park Highway between the Mount Rainier National Park boundary and connecting with the Cayuse Pass State Highway, to be immediately available and remain available until expended, \$5,000,000, which includes \$4,000,000, the amount of the contractual authorization contained in the act making appropriations for the Department of the Interior for the fiscal year 1929, approved March 7, 1928 (45 Stat. 237, 238): *Provided*, That not to exceed \$18,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1930: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$2,500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction of roads in national parks and monuments shall be considered available for the purpose of discharging the obligation so created.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. This item for the construction of highways in the national parks brings to my mind a question which I would like to propound to the chairman of the committee with regard to the plan for the completion of what is known as the Transmountain Highway through the Glacier National Park.

At the present time, as I understand it, somewhere in the neighborhood of \$1,000,000 has been expended for the construction of this road from the western side of Glacier Park to the top of Logan Pass, and provision has been made for its completion on the eastern side as far as the Going-to-the-Sun Chalets, leaving about 7 miles not now provided for in the center of the park. The completion of that 7 miles is necessary to give the people of this country the full value of this tremendous expenditure on the part of the United States. I would greatly appreciate a statement as to the plans for its completion, and the reasons why the completion is not now provided for in this bill.

Mr. CRAMTON. Mr. Chairman, the Transmountain Road is one which the gentleman from Montana and I have visited on several occasions. We went over the proposed route of the road three years ago and went over the uncompleted portion of it this fall. At that time I think we suggested it should be named the Going-to-the-Sun Highway, a very attractive and very fitting name, because for miles it works around the Going-to-the-Sun

Mountain, and in the main it is an east and west route. The west end of this road along Lake McDonald traverses land in the park which is almost entirely privately owned. As soon as this highway is completed there will be great travel over it of people going to the coast, and if we complete the highway and then proceed to buy the private holdings, we will have to pay a large amount additional because of the increased value caused by the construction of the highway.

It has been the position of the committee that we would not provide for the completion of the highway until we owned the private lands. It seems shortsighted business when we have use for the money for roads elsewhere to push up the price of these lands by rushing this road to completion.

This question emphasizes the importance of the amendment just adopted. If that goes through I am very hopeful that there will go along with the Yosemite provision a clean up of the situation around Lake McDonald. As soon as that is cleared up, we are in a position to go ahead and build the Glacier Road.

I think this should be said as to the road situation: The bill appears to be on an annual \$5,000,000 basis. It is, in fact, on a basis of three million and a half this year, because while there is \$5,000,000 cash appropriation, only \$1,000,000 is free, and \$4,000,000 is for previous contracts.

When we considered the matter last year, providing authority to contract for \$4,000,000, and the question was gone over with the chairman of the Committee on Appropriations, Mr. Madden, that authority was given with the understanding that a supplemental estimate of one to two million dollars would come in this fall. That supplemental estimate has not come in, and so it is all to be taken out of this appropriation; so this leaves only three million and a half dollars as a basis for this year, including the \$1,000,000 of free cash and the new authority to contract for \$2,500,000. I hope something can be done for the Glacier Park, together with the Going-to-the-Sun Highway, and it can be if the private-holding situation is taken care of.

Mr. LEAVITT. What is the plan this year so far as completing the road is concerned?

Mr. CRAMTON. It is my understanding that the road will remain in status quo until the private land situation is cleared up.

Mr. LEAVITT. Where does the initiative lie in clearing it up? Is there any legislation we have passed which makes an appropriation to be matched?

Mr. TAYLOR of Colorado. Mr. Chairman, may I make a suggestion to the gentleman from Montana? Of course, the gentleman from Montana, and no one else, wants the Government of the United States to be put in the attitude where it would be unconscionably held up. As the chairman intimated, if we go ahead and build a magnificent highway through these private lands when the Government comes to buy the land the price will be limited only by the blue sky. We feel that there ought to be something done by the State of Montana whereby we can know that these people would be rightfully and fairly compensated by the Government, but that the Government would not be imposed upon.

In one of the Government reclamation projects there is a large amount owned by a railroad company, and we are building a project which will make it enormously valuable. We have had the price fixed by an appraisal so that there will be no injustice or controversy about it. If something of that kind or some understanding could be had in Montana to protect the Federal Treasury it would have the appreciation of at least one minority member on the committee. I do not want to hold up the work and yet I do not like the idea of encouraging outrageous profiteering when we are rendering that country a wonderfully beneficial service.

Mr. LEAVITT. The position taken by the gentleman from Colorado and other members of the subcommittee would be much more tenable if it had been taken five or six years ago. As to expending money on reclamation projects bringing up the price of land it is true mistakes have been made in the past, but that gives no foundation for this.

In this particular case the Federal Government has already spent over a million dollars, if I am not mistaken. We have constructed that highway to the Continental Divide to Logan Pass on the west and have started it on the east side of the park. If we can add to the price of these lands by road construction, then we have already greatly added to that price. We are dealing here with a situation which to a great extent existed before we began the construction of that road.

I agree that as a matter of good general policy within the national parks there might well be an acquiring of private lands in order that the people of this country may be guaranteed national-park standards in the handling of those lands. I understand that law already exists giving to the Federal Government

power to condemn lands under situations of that kind, or perhaps to determine the character of the improvement and the way in which to a certain extent those lands should be handled within the national parks; but I believe that the construction of this highway, with this great expenditure of money already made, with the cost of maintaining a road already partly constructed, should not be unduly delayed, but that the Federal Government, having put itself in the position of already spending that tremendous amount of money, can not now come in and say to the State of Montana, we are not going to move until you do something which was not even considered at the time the road was started, or that private individuals in Montana must do something not then contemplated. The Federal Government ought to take the initiative along the line proposed in the amendment recently written in this bill, and we ought to give to the people who do now own lands on Lake McDonald some sort of protection and terms under which those purchases will be made, which will look to the future and allow them to use the land they now own for the purposes, within reasonable limits, for which they were acquired.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. From my personal contact I know of the continued, active, and effective interest the gentleman from Montana has in this highway and in the park generally. I first met him in that park in 1920. I am very hopeful that under the amendment just adopted a situation will work out that will satisfactorily take care of this proposition. The amendment just adopted provides for giving back a life lease to those who have cottages there, because the Government can afford to wait if no undesirable use is made of them. I hope the situation will work out satisfactorily. In the meantime, any money not spent on that road is being spent to splendid advantage on some other road.

Mr. LEAVITT. Would I be safe in assuming, then, that if under the law as it now exists these lands are purchased, the present owners as, for example, some who now use cottages as a protection for their lives from hay fever, would be protected in that use during the lifetime of the present owners and that the lands would be taken only after that use has been completed?

Mr. CRAMTON. If reasonable terms for the purchase can be arranged, there would be no difficulty about arranging for life leases for the same use that they have been making of the lands before that time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

#### ST. ELIZABETHS HOSPITAL

For support, clothing, and treatment in St. Elizabeths Hospital for the Insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster service of the Army, persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, and beneficiaries of the United States Veterans' Bureau, including not exceeding \$27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed \$150,000 for repairs and improvements to buildings and grounds, \$955,000, including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding \$1,500 of this sum may be expended in the removal of patients to their friends, not exceeding \$1,500 in the purchase of such books, periodicals, and newspapers, for which payment may be made in advance, as may be required for the purposes of the hospital and for the medical library, and not exceeding \$1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That during the fiscal year 1930 the District of Columbia, or any branch of the Government requiring St. Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the superintendent of St. Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be

agreed upon between the superintendent of St. Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the superintendent of St. Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at St. Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of St. Elizabeths Hospital, upon the approval of the Secretary of the Interior: *Provided further*, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. p. 193).

Mr. BLANTON. Mr. Chairman, I make the point of order against the provision, beginning in line 15, page 114, which reads as follows: "*Provided further*, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. p. 193)," for the reason that it is legislation on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, I admit it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FRENCH. Mr. Chairman, would the gentleman from Texas withhold the point of order for a moment?

Mr. BLANTON. Does the gentleman want to defend this?

Mr. FRENCH. Not the point of order.

Mr. BLANTON. This proposition?

Mr. FRENCH. Yes.

Mr. BLANTON. I do not think we ought to stay here for that. It is after dark now.

Mr. FRENCH. Just let me have a couple of minutes.

Mr. BLANTON. Then I want to condemn this situation, so I shall ask for two or three more minutes after that. That prolongs the situation. Let it rest where it is. The paragraph giving allowances has gone out of the bill on my point of order. There are others who want to condemn this proposition also.

Mr. SCHAFER. I will need about half an hour to bring the facts to the House.

Mr. BLANTON. It would take an hour to properly condemn the situation.

Mr. FRENCH. I recognize the force of the point of order. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this point. I think the House ought to have the facts before it upon which the committee acted.

Mr. SCHAFER. Mr. Chairman, reserving the right to object, will the gentleman incorporate in his remarks the total amount of the people's money that has been used for four servants each year by the superintendent of the institution in violation of law?

Mr. FRENCH. The gentleman can make his own statement and his own remarks. I have my statement to make and I have asked to extend. I am not caring whether he objects to the extension or not.

Mr. SCHAFER. I do not object. I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The point of order is sustained. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner and upon the subject indicated. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin asks unanimous consent to extend his remarks upon the same subject. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, on page 112, beginning in line 20, I move to strike out the following language:

Including not exceeding \$27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent—

Mr. CRAMTON. This is for the use not alone of the superintendent but the purchasing agent and general hospital business.

Mr. BLANTON. I will modify my amendment if the gentleman will permit and simplify the matter. I move to strike out the following words: In line 22 strike out "passenger-carrying," and in line 23 strike out "superintendent." That simplifies it.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

Mr. CRAMTON. That is logical even if it is not wise.

The Clerk read as follows:

Page 112, line 22, strike out the words "passenger-carrying," and in line 23 strike out the word "superintendent."



Mr. BLANTON. On that I ask for recognition.

Mr. MURPHY. The gentleman just asked Members to refrain from speeches. Be as good a sport as the rest.

Mr. BLANTON. That was something not before the House.

Mr. MURPHY. Be a good sport. The gentleman is complaining about time. It is now three minutes of 5; be a good sport.

Mr. BLANTON. I do not yield to the dry gentleman from Ohio.

Mr. MURPHY. The gentleman is speaking about being a good sport; be one.

Mr. BLANTON. I am going to use my own time in my own way. If you gentlemen will get the report on the investigation by Congress of one of our own House committees in reference to this institution and its superintendent more than twenty-odd years ago and read it, you will find this committee of ours then condemned this superintendent for the number of passenger-carrying vehicles he then had in his stables for his own use and the use of his own family.

I wish you would read just how many he had there and how many servants it took and what was paid by the people of this Government to take care and maintain them for his personal use. He was condemned then, and he has been condemned time after time for it. Go out there and see what he has for his own private use now, and here is \$27,000 more you are giving him. If he wants to do it he can spend every single dollar of it for limousines in addition to the ones he has now. If you want to do it, go ahead. I am doing my duty when I call attention to it.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SCHAFER. Is any of this appropriation of \$27,000 for passenger vehicles which are used to take the incompetent patients and veterans out riding?

Mr. BLANTON. No. The only thing I am seeking to do—I know the committee will not accept it; you will vote it down, but I am putting it up to you—the only thing I am trying to do is to take the passenger part out of it and let the appropriation stand for such use as the institution needs.

Go out there and look at his big limousines that he now uses and which are furnished to him for his own use. Look at the other elegant cars that are furnished to him. I do not want to see any part of this \$27,000 to be used by him. I can not stop this, but I have the satisfaction of having knocked out of the bill the \$11,000 sought to be given him for allowances, as the Chair sustained my point of order against same.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last word. The gentleman is recognized in opposition to the pending amendment.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I have not spoken upon this bill for the reason that I understood it was a western bill and that eastern and southern Members are not supposed to butt in. I do not fall under the denomination of a "sport," good or bad, and, consequently, I am going to speak for about two minutes.

A point of order, as I understand it, was made against the provision for quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital. I want to rise in opposition to the proposition urged here on the floor of giving employment in institutions like St. Elizabeths and then withholding laundry service and other expenses that are necessary in order to keep the employees in a satisfied state of mind. I am opposed to making them pay for those services. If the service over there is not what it should be, those employees ought to be dismissed from the service.

I do not know the superintendent. I have never been on the grounds, but I understand the employees there are competent and render efficiently a most exacting service.

I once heard the statement made in the Louisiana Legislature when I was a member years ago by a fellow member who subsequently gained a national reputation through a paper read before or at a meeting of the American Bar Association to the effect that subjects like these and the discussion of them was so trivial as to resemble cracking nuts and fleas, to use an inelegant but forceful expression. We should devote our attention to matters of larger import than the insignificant matter against which the point of order was made and the insignificant amount involved, and we should give relief to employees that are not overpaid, and give them a little light, and a little allowance for expenses. Employment in an insane asylum is not of the most desirable nature. The work calls for patience, understanding, and a God-given sympathy with the afflicted.

Mr. BLANTON. The gentleman has overlooked the point that we are furnishing to this man \$19,000 worth of service.

Mr. SCHAFER. Does the gentleman think that the violation of existing law and the incurrence of illegal expenses are trifling matters?

Mr. O'CONNOR of Louisiana. I have heard of those things that are too small for the attention of able legislators like my distinguished friend from Texas [Mr. BLANTON] and my friend [Mr. SCHAFER] from Wisconsin.

If the superintendent is guilty of the offenses named, he should be incontinentally fired. If the employees have not the ability, the sympathy, or the requirements, they should be released from a service that calls for the best that is in human nature. To cut off employees in this asylum from the only comforts that makes his position tolerable is not discipline. It is merely evidencing a lack of wisdom. Release the job holder if incompetent, but do not make the job so unattractive to competent men that they will not seek the position.

Many of the comptroller's rulings have been so drastic as to make them unreasonable and utterly at variance with common sense. The extreme of the law is the extreme of injustice. The laws of the Medes and Persians were so inflexible and inelastic and so rigidly construed that they became a synonym for injustice, intolerance, tyranny, oppression, and brutality.

Mr. FRENCH rose.

Mr. SCHAFER. Mr. Chairman, I would like to have five minutes.

Mr. CRAMTON. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 10 minutes; 5 minutes to be allotted to the gentleman from Idaho [Mr. FRENCH] and 5 to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. HASTINGS. This proviso is already out.

Mr. SCHAFER. Not at this point.

Mr. FRENCH. Mr. Chairman, I can not remain quiet when severe criticisms are made against an institution that you must care for in the pending bill and in such a way that they are criticisms of the committee itself in the work that it has done. If the superintendent and employees of St. Elizabeths Hospital are not what they ought to be, there are ways to get rid of them. If we must maintain St. Elizabeths Hospital, it should be maintained in a way that is worthy of the patients who are there and of the dignity of our country.

St. Elizabeths is one of the world's greatest institutions of its kind. Doctor White, the head of the institution, is recognized as one of the foremost psychiatrists.

When Rear Admiral Stitt, who for years has been the Surgeon General of the United States Navy and who is president of the board of visitors of St. Elizabeths Hospital, was before our committee he quoted Doctor Kraepelin, whom he characterized as "probably the most famous man in psychiatry in the world," as saying "of all institutions in the world that he had visited, St. Elizabeths was the most efficient."

Doctor White has been superintendent of that institution for more than 25 years.

Many years ago, and before Superintendent White took charge, the Congress, by law, provided that the superintendent should live upon the grounds of the institution. This is a policy that is followed by practically all of the institutions for mental cases within the United States and in foreign countries. It is not a pleasant place to live, but it is the place where the superintendent ought to live if he is to do the right thing by those under his charge. This being so, he is virtually upon duty, or must be ready for duty, 24 hours per day. Not only should the superintendent live at the hospital but other doctors and other employees, who have the care of patients, ought to live at the hospital if they are to render the most efficient service.

We have a plant at St. Elizabeths that is worth something like \$5,500,000. We have a farm of more than 800 acres. Last year on that farm we produced for the institution food supplies worth more than \$200,000.

At St. Elizabeths we are caring for men and women who are ill, who are broken mentally. Last year we cared for more than 4,700, with a daily average of 4,143.

To care for this institution, the patients as the objective, requires money, and we ought not to limit the administration of the institution by denying the money that the Department of the Interior tells us is necessary for motor-propelled vehicles and to which the gentleman's amendment is directed. These vehicles are for the use of the superintendent, the purchasing agent, and the general hospital business.

"The gentleman who spoke just a moment ago referred to the home where the superintendent lives. May I say that the superintendent lives where he is required to live under the law. It is not of his own volition. It is not a very happy or attractive place to live. The superintendent, any superintendent, is required by law to "reside on the premises."

For many years, and before the present superintendent took charge, this officer was assigned quarters in one of the large buildings of the institution, a building used for hospital purposes. More than that, the quarters assigned to him are not assigned to him personally, but they are a part of the institution and are for official use. This institution is visited constantly by representatives of similar institutions throughout the country, and from foreign countries.

The institution is in a sense a laboratory where we are seeking out the best ways to relieve suffering human kind. What would you have the superintendent do; dismiss these many visitors who are interested in the care of those afflicted mentally?

What you call the superintendent's house is the quarters as well, provided for just such visitors. They occupy rooms there and they have their meals.

For St. Elizabeths we have provided a board of visitors. The members of the board are given by law responsible work. They visit the institution from time to time, and when they do they are officers of the institution.

The room that is the board's room and where their meetings are held is one of these same rooms that we are told belongs to the superintendent. Another is the superintendent's study, where he checks up on the experiences of the day. What critics have called the dining room of the family of the superintendent is where members of the board and visitors to the institution have their meals.

Again, that the doctors and nurses at this hospital may be abreast of the times, specialists are called in for discussions and lectures. These specialists are not the personal guests of the superintendent, they are the guests of the institution.

A situation exists here somewhat similar to that which exists at Annapolis and West Point, where we make special appropriations for the case of guests and visitors to these institutions. The situation is quite similar to that which exists in every university and educational institution of the country, where visitors and special lecturers are made the guests of the institution, though maybe being housed in the president's home and dining at his table.

Mr. CRAMTON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. CRAMTON. And even if the gentleman from Texas were correct in his estimate as to Doctor White personally and professionally, if he, as the head of this institution, were to leave the institution or be dismissed the effect of the point of order would make it quite impossible to get a physician of proper standing in his place.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

The question is on the amendment offered by the gentleman from Texas.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For completion of the medical and surgical building, \$475,000, including cost of supervision of work and including the removal and reconstruction of the isolation building.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Idaho [Mr. FRENCH] who defends the committee in this matter, what is the proportion of employees to patients in St. Elizabeths Hospital?

Mr. FRENCH. The question is not involved here in so far as this particular paragraph is concerned.

Mr. GILBERT. The gentleman has the information?

Mr. FRENCH. I have the information here. The number of patients last year receiving treatment was 4,727 with an average number of 4,143. Then we have of physicians 33—

Mr. GILBERT. Give me the whole amount. The gentleman is taking up all my time.

Mr. FRENCH. Is the gentleman proposing to classify as one group the doctors and laborers who work in the gardens—

Mr. GILBERT. All the employees there, doctors and laborers of all kinds. What is the proportion of employees to patients?

Mr. FRENCH. Thirty-three doctors, 678 graduate nurses, other employees including some who are trained specialists, making a total of 1,238.

Mr. GILBERT. That brings out exactly what I wanted to bring out. That is 1 employee to 4 patients. Our hearings showed and it is the truth, that the general average throughout

the United States is less than 1 to 7, under the same circumstances as here. The gentleman spoke of the farm. I have no personal animus in this matter at all, but they have there several times as many as are necessary and as are customary and usual to run a farm. They have 1 man to every 10 or 15 cows, when 1 man for 25 cows is enough. As I have said, I have no personal feeling in this matter at all. They have too many employees of every kind, they consume too much, their treatment is inhuman, they have killed patients in corrections and altogether this is the most expensively run and the most outrageously conducted hospital in the United States.

Their records are not kept correctly.

Mr. FRENCH. Does the gentleman know the average cost per patient in other institutions?

Mr. GILBERT. I had all that before me and this is by far the most expensively run hospital in the United States. The average cost is not \$500 and here it is over seven hundred.

Mr. FRENCH. The average cost per patient per day for the current year will be less than \$2, and for the fiscal year 1930 the estimate is \$1.81 per day.

Mr. GILBERT. I want to make this further statement in summation: Public indignation caused former Commissioner Fenning to resign by reason of the fact that he was exploiting the shell-shocked veterans of the World War. If that was justifiable, then there is no reason why Doctor White is not subject to the same criticism, because he not only furnished the means but he furnished the cooperation in a vast majority of all those cases.

This man has been under the constant fire of Congress for more than 20 years. It is not a recent development of some special committee that the gentleman might feel has animus, but he has been under successful criticism for more than 20 years.

Two years ago I called attention by facts and figures to some inexcusable conduct in this institution—falsification of records and many other irregularities—that ought not to be permitted. Why his resignation is not called for and why he is continually defended in the face of sworn facts is more than I can understand.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. GILBERT. Yes.

Mr. BLANTON. Is it not a fact that not only the District Committee of 21 members but the Judiciary Committee both unanimously agreed that there was an unholy alliance between Fenning and Doctor White in all these matters?

Mr. GILBERT. Why, absolutely.

Mr. SCHAFER. Will the gentleman yield?

Mr. GILBERT. I yield.

Mr. SCHAFER. Is not the fact that the Comptroller General's decision clearly shows that he illegally expended the people's money for his own personal benefit, in the amount of thousands of dollars, sufficient justification to kick him out at this time?

Mr. GILBERT. The records further showed and it was admitted before our committee that they put opposite the names of men who had escaped and had never been found, "Cured; released." The whole thing is a falsification and a sham and the conduct of this hospital is inexcusable.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Howard University, \$600,000.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and in doing so I wish to include the law which has just been signed by the President authorizing such appropriations.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The law which was signed by the President yesterday is as follows:

That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"Sec. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."



By reason of this new law no points of order have been made to-day against proposed appropriations for Howard, and none are in order against appropriations for the "construction, development, improvement, and maintenance" of that institution. Because of the annual points of order, even though the items were later restored, no definite and constructive policy could be followed, and the financial support of that growing institution was very uncertain. By reason of the experience of our committee in this regard, I drafted a bill to authorize appropriations for Howard University and introduced it in the House in December, 1924, and each Congress thereafter. It now becomes law in the identical form in which I introduced it four years ago.

The future of Howard University as the great colored educational center for America is therefore now well assured, and its leadership of that race will have a far-reaching effect on our country in the years to come.

The Clerk completed the reading of the bill.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 14801) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House of Representatives; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. MOSES, Mr. HALE, and Mr. OVERMAN members of the joint committee on the part of the Senate, as provided by Senate Concurrent Resolution 24, providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

#### SENATE JOINT RESOLUTION REFERRED

A joint resolution of the following title was taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States; to the Committee on the Judiciary.

#### AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa, from the Committee on Appropriations, by direction of that committee reported the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. BUCHANAN reserved all points of order.

#### ADJOURNMENT FOR THE HOLIDAYS

Mr. TILSON. Mr. Speaker, I send the following resolution to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

#### House Concurrent Resolution 45

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian Thursday, January 3, 1929.

Mr. TILSON. Mr. Speaker, I wish to say that the minority leader, the gentleman from Tennessee [Mr. GARRETT], before he went away agreed to this resolution. The gentleman from Texas [Mr. GARNER], now substituting for him, also agrees to it; and both the majority and minority leaders of the Senate have agreed to recommend the same resolution to the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WOLFENDEN (at the request of Mr. DARROW), indefinitely, on account of illness.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the House of the following title, when the Speaker signed the same:

H. J. Res. 346. An act authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month.

#### ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, December 15, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 15, 1928, as reported to the floor leader by clerks of the several committees:

#### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

#### COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

#### COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

685. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture, amounting to \$500,000 for the fiscal year 1930, for an additional amount for the eradication of tuberculosis in animals (H. Doc. No. 476); to the Committee on Appropriations and ordered to be printed.

686. A letter from the Secretary of the Treasury, transmitting recommendation that the act of Congress approved June 25, 1910, which authorizes and directs the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise a site and building for the accommodation of the United States Subtreasury and other governmental offices at New Orleans, La., be repealed; to the Committee on Public Buildings and Grounds.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 7031. A bill authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes; with amendment (Rept. No. 1955). Referred to the Committee of the Whole House on the state of the Union.

Mr. DICKINSON of Iowa: Committee on Appropriations. H. R. 15386. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1956). Referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Military Affairs was discharged from the consideration of the joint resolution (H. J. Res. 284) to authorize an appropriation to pay claims of parents of deceased and injured children killed and injured by an Army airplane landing in Patterson Park, Baltimore, Md., on or about August 14, 1919, and for other purposes, and the same was referred to the Committee on Claims.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 15378) to authorize the transfer to the line of the Navy of certain officers of the Construction Corps who are employed on aeronautical duties; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 15379) granting pensions and increase of pensions to widows of certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 15380) to establish, maintain, and operate a reforestation station in the first congressional district of Georgia; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 15381) to provide for the establishment of a light vessel at Grays Harbor, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15382) to legalize a trestle, log dump, and booming ground in Henderson Inlet, near Chapman Bay, about 7 miles northeast of Olympia, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 15383) to amend the first subdivision of section 4 of the naturalization act; to the Committee on Immigration and Naturalization.

By Mr. BLACK of New York: A bill (H. R. 15384) making it a penal offense to refer to the religion of a candidate for public office; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 15385) to regulate the use of spray-painting compressed-air machines, and for other purposes; to the Committee on Labor.

By Mr. DICKINSON of Iowa: A bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. FISH: A bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. HOUSTON of Delaware: A bill (H. R. 15388) to amend the act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. SIROVICH: A bill (H. R. 15389) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," and the Welch Act, approved May 28, 1928, in amendment thereof; to the Committee on the Civil Service.

By Mr. RAGON: A bill (H. R. 15390) granting authority to the Secretary of War to relocate levee of Conway District No. 1, Conway County, Ark.; to the Committee on Flood Control.

Also, a bill (H. R. 15391) making an appropriation for improving the Arkansas River from Little Rock, Ark., to the point where it flows into the Mississippi River, for the purposes of navigation; to the Committee on Appropriations.

By Mr. HOCH: Joint resolution (H. J. Res. 351) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KIESS: Joint resolution (H. J. Res. 352) for the relief of Porto Rico; to the Committee on Insular Affairs.

By Mr. WHITE of Maine: Joint resolution (H. J. Res. 353) providing for a joint committee to investigate and report upon facts connected with the sinking of the S. S. *Vestris*; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 263) providing for the printing of the Journal of the Thirtieth National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

By Mr. FISH: Resolution (H. Res. 264) favoring the ratification by the United States Senate of the Kellogg peace pact; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 15392) granting a pension to Elfred P. Graves; to the Committee on Pensions.

Also, a bill (H. R. 15393) granting a pension to Bridget O'Brien; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 15394) granting a pension to William Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15395) granting a pension to Grant E. Q. Leatherman; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 15396) granting a pension to Mary Jane Eagan; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 15397) for the relief of Floyd Dillon, deceased; to the Committee on Military Affairs.

By Mr. CULKIN: A bill (H. R. 15398) granting a pension to Mary Jane Chetney; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 15399) granting a pension to William Hecker; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15400) granting a pension to Martha F. Stigall; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 15401) granting an increase of pension to Abbie M. Stout; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15402) granting retirement annuity or pension to Hiram Elliott; to the Committee on the Civil Service.

Also, a bill (H. R. 15403) granting an increase of pension to Thomas A. Della; to the Committee on Pensions.

By Mr. HARE: A bill (H. R. 15404) to compensate Arthur Ashley Burn, sr., for the loss and death of his son, Arthur A. Burn, jr.; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 15405) to correct the military record of James Luther Hammon; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 15406) granting a pension to Emma A. Safley; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15407) granting an increase of pension to Catherine Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15408) granting an increase of pension to Clara A. Young; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 15409) granting an increase of pension to Agnes B. Earl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15410) granting a pension to Julia Fisher; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 15411) granting a pension to Edward G. Murton; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15412) granting a pension to Ann C. Guthrie; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 15413) granting a pension to Jesse Burnett; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 15414) granting a pension to Herman Lyons; to the Committee on Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 15415) granting a pension to Robert C. Baker; to the Committee on Pensions.

Also, a bill (H. R. 15416) granting a pension to Jesse A. Sparks; to the Committee on Pensions.

Also, a bill (H. R. 15417) granting an increase of pension to Floyd Lipton; to the Committee on Pensions.

Also, a bill (H. R. 15418) granting an increase of pension to Jacob Anderson; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15419) granting an increase of pension to Quessie Burns; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 15420) granting an increase of pension to Louise L. Pettengill; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15421) for the relief of D. B. Heiner; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15422) granting a pension to Rosetta B. Munsel; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15423) granting an increase of pension to Orpha Young; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 15424) for the relief of Dr. W. H. Parsons; to the Committee on War Claims.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 350) to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.



## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7975. By Mr. BEERS: Petition from citizens of Perry County, Pa., favoring the passage of House bill 11410; to the Committee on the Judiciary.

7976. By Mr. CULLEN: Resolution presented at annual meeting of the board of trustees of the American Printing House for the Blind, expressing the appreciation of the generous attitude of Congress toward the blind pupils in the schools in this country; to the Committee on Appropriations.

7977. By Mr. GARBER: Petition of the Dewey Congressional Medal Men's Association, urging support of House bill 12247 and Senate bill 1265, proposing a reward of \$30 per month to the few surviving officers and enlisted men who served with Commodore George Dewey at his famous victory in Manila Bay; to the Committee on Pensions.

7978. Also, letter from F. D. Fant, chairman traffic department, United States Fisheries Association, Jacksonville, Fla., urging support of House Resolution 303; to the Committee on Interstate and Foreign Commerce.

7979. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, opposing further grants of public lands within State of New Mexico to Indians or Indian tribes, unless lands so granted to Indians or Indian tribes be put on the State tax rolls; to the Committee on Indian Affairs.

7980. Also, petition of New Mexico Cattle and Horse Growers' Association, indorsing and recommending the leasing of the public domain in New Mexico; to the Committee on the Public Lands.

7981. Also, petition of New Mexico Cattle and Horse Growers' Association, favoring the purchase of isolated tracts of Government lands for grazing purposes, minimum price at which such tracts of land, grazing in character, to be 50 cents per acre; to the Committee on the Public Lands.

7982. Also, petition of New Mexico Cattle and Horse Growers' Association, expressing appreciation for services rendered beef-cattle producers by Department of Agriculture, the National Live Stock and Meat Board, and the Better Beef Association, and favoring increase of 25 cents per car on all cattle sold, the funds to be used by the National Meat Board for increased advertising; to the Committee on Agriculture.

7983. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation for salary of Chief of Bureau of Animal Industry, and asking sufficient funds for the study and control of livestock diseases and pests; to the Committee on Agriculture.

7984. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation to the Forest Service for improvements upon the grazing lands in the national forests; to the Committee on Agriculture.

7985. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation for the Bureau of Biological Survey for control of predatory animals; to the Committee on Agriculture.

7986. Also, petition of New Mexico Cattle and Horse Growers' Association, indorsing House bill 10021, by Mr. Morrow, providing for the establishment of an experiment station in Lea County, N. Mex.; to the Committee on Agriculture.

7987. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing the putting of Mexican labor on quota basis; to the Committee on Immigration.

7988. Also, petition of New Mexico Cattle and Horse Growers' Association, favoring duty on hides; to the Committee on Ways and Means.

7989. Also, petition of New Mexico Cattle and Horse Growers' Association, approving an advance in tariff on beef products; to the Committee on Ways and Means.

7990. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing Senate bill 4264, restricting the sale of livestock to places designated by the Secretary of Agriculture; to the Committee on Agriculture.

7991. Also, petition of New Mexico Cattle and Horse Growers' Association, approving House bill 490, to amend the packers and stockyard act; to the Committee on Agriculture.

7992. By Mr. O'CONNELL: Petition of the Immigration Study Commission, Sacramento, Calif., opposing the repeal of the national-origins clause of the immigration quota act; to the Committee on Immigration and Naturalization.

7993. Also, petition of the Cigarmakers Local Union No. 87, Glendale, Brooklyn, N. Y., opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

7994. By Mr. ROBINSON of Iowa: Petition of R. V. McKeever, Otley, Iowa, and O. M. Wilson, Monroe, Iowa, drug-

gists, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7995. Also, petition of druggists and other business men of Bloomfield, Iowa, submitted by J. M. Bootsma, Bloomfield, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7996. Also, petition of H. T. Berry, Pulaski, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7997. Also, petition of druggists and other business men of Sigourney, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11) submitted by Paul O. Weller, Sigourney, Iowa; to the Committee on Interstate and Foreign Commerce.

7998. Also, petition of druggists and other business men at Newton and Grinnell, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11) submitted by P. J. Jepson, Newton, Iowa; to the Committee on Interstate and Foreign Commerce.

7999. Also, petition of druggists and other business men of Oskaloosa, Eddyville, and New Sharon, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by G. E. Stephenson, Eddyville, Iowa; to the Committee on Interstate and Foreign Commerce.

8000. Also, petition of druggists and other business men of Albia, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by E. C. Armstrong, Albia, Iowa; to the Committee on Interstate and Foreign Commerce.

8001. Also, petition of druggists and other business men of Newton, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by G. H. Nollen, Newton, Iowa; to the Committee on Interstate and Foreign Commerce.

8002. Also, petition of druggists and other business men of Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by C. A. Burt, Delta, Iowa; to the Committee on Interstate and Foreign Commerce.

8003. Also, petition of druggists and other business men of Ottumwa, Iowa, submitted by C. A. Hill, Ottumwa, Iowa, in favor of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8004. By Mr. SWICK: Petition of Lawrence County Pomona Grange, No. 65, Patrons of Husbandry, New Castle, Pa., protesting the construction of more cruisers than actually needed for police protection, and urging the ratification of the Kellogg peace pact; to the Committee on Naval Affairs.

8005. Also, petition of congregation of the Union Reformed Presbyterian Church, of Mars, Pa., for a Christian amendment to the Constitution of the United States; to the Committee on Revision of Laws.

## SENATE

SATURDAY, December 15, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty Lord, to whom all things in heaven and earth do bow, be now and evermore the strong tower and defense of this Nation, that Thy people may be sober-minded, truthful, reverent in spirit, and pure in heart. Let no unhallowed words pollute the tongues which Thou hast made to praise and bless Thee, no evil action defile the bodies which Thou hast taught us are the temples of Thy presence. Thou hast crowned our country with vast and marvelous achievements; make us, therefore, worthy of the past and true prophets of the future, that Thy kingdom may come and Thy will be done on earth as it is in heaven. Grant this for the sake of Jesus Christ, Thy Son our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## PERSONAL EXPLANATION—BOULDER DAM

Mr. SMOOT. Mr. President, yesterday afternoon I was suffering from a severe headache. I went home early and was not present in the Chamber when the Boulder Dam bill was voted upon. I want to take this occasion, however, to state that if I had been here I would have voted against the bill. I had no idea that it would be finally voted upon at that time.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 45) providing that when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian, Thursday, January 3, 1929, in which it requested the concurrence of the Senate.